

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Monday, June 20, 1977

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Roger Smith, St. Marks Episcopal Church of Augusta.

The members stood for the Pledge of Allegiance.

The journal of the previous session was read and approved.

**Papers from the Senate  
Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273) asks leave to report: that they are unable to agree.

(Signed)  
Messrs. USHER of Cumberland  
CHAPMAN of Sagadahoc  
— of the Senate.  
Messrs. CARROLL of Limerick  
BAGLEY of Winthrop  
— of the House.

Came from the Senate with the Conference Committee report read and accepted.

In the House, the Report was read and accepted in concurrence.

The following Communication:  
The Senate of Maine  
Augusta

June 17, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today Adhered to its action whereby it accepted the Minority 'Ought Not to Pass' Report on Bill, "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (L. D. 1662).

Respectfully,  
(Signed) MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Providing Binding Arbitration for Certain Public Employees" (S. P. 223) (L. D. 703)

Was placed in the Legislative Files without further action pursuant to Joint Rule 20 in concurrence.

**Leave to Withdraw**

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Require Annual Renewal of Watercraft Certificates of Number and to Distribute Two-fifths of the Fee for Application or Renewal of a Certificate of Number to Municipalities" (S. P. 356) (L. D. 1181)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on Judiciary on Bill "An Act to Establish the Maine Nonprofit Corporation Act" (S. P. 175) (L. D. 626) reporting "Ought to Pass" in New Draft (S. P. 547) (L. D. 1885)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, I certainly do hope we continue with this bill, but I just wanted to point out to the members of this House that the bill is about a quarter of an inch thick and has a variety of new provisions regarding nonprofit corporations and their establishment. And although I am a member of the Judiciary Committee, as you know, I am not a lawyer and I have been somewhat uneasy but I am not sure why, and there may be nothing wrong with this bill, but if any of you have any interest in it, I wish you would take a look at it before we finally pass it.

Thereupon, the Report was accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

**Divided Report**

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-258) on Bill "An Act Relating to the Licensure of Plumbers" (S. P. 256) (L. D. 813)

Report was signed by the following members:

Messrs. FARLEY of York  
PIERCE of Kennebec  
CHAPMAN of Sagadahoc  
— of the Senate.

Ms. CLARK of Freeport  
Messrs. KILCOYNE of Gardiner  
SPROWL of Hope  
HOWE of South Portland  
PEAKES of Dexter  
JACKSON of Yarmouth  
Miss ALOUPIS of Bangor  
Mr. RIDEOUT of Mapleton  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-259) on same Bill.

Report was signed by the following members:

Mr. WHITTEMORE of Skowhegan  
Mrs. BOUDREAU of Portland  
— of the House.

Came from the Senate with the Majority "Ought to Pass" as Amended by Committee Amendment "A" (S-258) Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-258) and Senate Amendment "A" (S-273).

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report in concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: Something unusual is happening this morning. The Chairwoman of my committee and I are on different sides of an issue, and this doesn't happen very often. If you will notice, I signed "Ought to Pass" with Committee Amendment "B." The bill is identical, except for that Committee Amendment, and what that does, it permits cities and towns that are now licensing their own plumbers to continue to do so. We do this in Portland, they do it in Lewiston, Augusta, Cape Elizabeth, Falmouth and a few other towns; I can't remember them. We do this for very good reasons. We have a stricter plumbing code than the state code. We permit only cast iron pipe to be used for the sewers in Portland. We feel that we have greater accountability by testing these plumbers before they do work in the city. They would be able to do this for some time and I would like to see it continue. It does not mandate that any other city or town has to do it if

they don't want to. It is permissive legislation so that they can continue to do so if they wish.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think I can give you a little idea of why this provision was put in. There are a number of towns, particularly in the Portland area, I don't know whether this exists in other parts of the state, I would imagine not, where the towns have their own licensing procedure. The state license holds, and what seems to be happening is, in years past many of these towns used this as a revenue raising measure. In Portland there are a number of plumbers, but also, there are a great many plumbing jobs and the plumbers come in from outside of Portland, surrounding towns, to do the work, but before they can do that, they have to go through the Portland plumbing procedure of being licensed. To a degree, it appeared to us to be exclusionary and unnecessary, and as I say, chiefly a revenue raising thing.

They are inspected by state inspectors and there really seems to be no reason for this at the time, and that is why one of the amendments in the bill, to take this provision out and to open it up so there wouldn't be a duel licensing necessary.

I would point out that in the Portland area, a plumber, say in my town of Yarmouth, wanted to operate in the area, he might have to maintain four or five licenses. I don't believe South Portland has a license, but Portland does and I think Cape Elizabeth does, there are a number of towns there where he would have to maintain a license in order to be active in that area. It just seemed unnecessary to us.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that the House accept the Majority "Ought to Pass" Report in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.  
68 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-258) was read by the Clerk and adopted.

Senate Amendment "A" (S-273) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

**Divided Report**

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Permit Voter Registration and Enrollment at the Polls on Election Day" (S. P. 355) (L. D. 1180)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot  
KATZ of Kennebec  
DANTON of York  
— of the Senate.

Mr. McMAHON of Kennebunk  
Mrs. DURGIN of Kittery  
Mrs. BOUDREAU of Portland  
Messrs. BOUDREAU of Waterville  
BIRT of East Millinocket  
TRUMAN of Biddeford  
RAYMOND of Lewiston  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-254) on same Bill.

Report was signed by the following members:

Mrs. MITCHELL of Vassalboro  
Messrs. TALBOT of Portland  
BUSTIN of Augusta  
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mrs. Boudreau of Portland, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) L. D. 1227)

Report was signed by the following members:

Messrs. MARTIN of Aroostook  
COLLINS of Aroostook  
Mrs. SNOWE of Androscoggin  
— of the Senate.

Mr. DIAMOND of Windham  
Mrs. LOCKE of Sebec  
Messrs. VALENTINE of York  
CHURCHILL of Orland  
Mrs. KANY of Waterville  
Mrs. MASTERTON of Cape Elizabeth  
Ms. BACHRACH of Brunswick  
Mr. SILSBY of Ellsworth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolution.

Report was signed by the following members:

Messrs. CURRAN of South Portland  
STUBBS of Hallowell

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-274)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report as amended by Senate Amendment "A" in concurrence.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that the Minority "Ought to Pass" Report be accepted in concurrence.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and gentlemen of the House: Some of the members of the committee may be surprised to see me standing here on this report, but since the Senate Amendment has gone onto this particular L.D., it has become acceptable to several more members of the committee, so the minority report as reflected here is on the original L.D.

The Senate Amendment which has been tacked on has removed the price tag of some \$30 million by putting this all in the future. It says that towns would be reimbursed for property tax exemptions which are reenacted or created sometime after the enactment of this constitutional measure.

It also provides that if cities and towns get other revenue sources, if the state-federal revenue sharing program increases the amount of money to towns and cities, then the amount reimbursed under this measure would be decreased. I think it is something that is worthy of our consideration this morning, and I hope with the Senate Amendment it has become acceptable to many members of the House.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I was one of the signers of the "Ought not to pass" Report, but, as Representative Curran so well explained, the Senate Amendment which has been attached in the other body does take away some of the bad portions of the resolution as far as I am concerned. We would only be talking about new exemptions

and, consequently, it might be a disincentive to provide for further tax exemptions. Therefore, I plan to vote for the "Ought to Pass" Report, hoping that we can attach the Senate Amendment too.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: As a municipal officer, I certainly can support this measure. It is a companion measure, really, to what will be coming up as a tabled item, and that would be the bill that Mr. Brenerman has sponsored which will be taken up later today on the close-out, so to speak, on some of these exemptions, and I think that the House should take these two matters, really, as one; they will be working in conjunction with each other.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I feel a little absurd being put in the position of asking questions about this bill since it was before our committee, but I would like to know what is implied by "reenacted." I have read the amendment and it doesn't specify whether there is to be a sunset law on all of these exemptions, and I would like to know whether everything will come up for reenactment periodically or not.

The SPEAKER: The gentlewoman from Brunswick, Ms. Bachrach, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I would imagine that this refers to Representative Brenerman's bill and how that is going to fare as it goes through the House as to whether or not there will be a sunset on exemptions that are presently given.

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence and the Resolution read once. Senate Amendment "A" (S-274) was read by the Clerk and adopted in concurrence and the Resolution assigned for second reading later in the day.

#### Non-Concurrent Matter

##### Later Today Assigned

Bill "An Act relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851) which was passed to be engrossed as amended by House Amendments "A" (H-582) and "D" (H-636) in the House on June 15, 1977.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and later today assigned.

#### Non-Concurrent Matter

##### Later Today Assigned

Bill "An Act to Establish Procedures to Record Judgment in Registry of Deeds to Create a Lien on Debtor's Real Estate" (H. P. 1203) (L. D. 1429) on which the Minority "Ought Not to Pass" Report of the Committee on Judiciary was read and accepted in the House on June 15, 1977.

Came from the Senate with the Majority "Ought to Pass" in New Draft (H. P. 1656) (L. D. 1854) Report of the Committee on Judiciary read and accepted and the New Draft passed to be engrossed in non-concurrence.

In the House: Mr. Spencer of Standish moved that the House adhere.

On motion of Mr. Tarbell of Bangor, tabled pending the motion of Mr. Spencer of Standish to adhere and later today assigned.

#### Non-Concurrent Matter

Bill "An Act Relating to the Commitment of Mentally Ill Individuals" (H. P. 1707) (L. D. (L. D. 1880) which was passed to be engrossed as

amended by House Amendment "A" (H-651) in the House on June 15, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-651) and Senate Amendment "A" (S-262) thereto in non-concurrence.

In the House: On motion of Mr. Spencer of Standish, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Amend the Insurance Laws Regarding Licensing Procedures for Agents of Fraternal Benefit Societies" (H. P. 807) (L. D. 983) which was passed to be engrossed as amended by Committee Amendment "A" (H-617) in the House on June 16, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-617) and Senate Amendment "A" (S-265) thereto in non-concurrence.

In the House: The House voted to recede and concur.

#### Non-Concurrent Matter

##### Later Today Assigned

Bill "An Act to Prevent the Display of Adult Magazines to Minors" (H. P. 1661) (L. D. 1857) which was passed to be engrossed as amended by House Amendment "B" (H-581) in the House on June 14, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-272) in non-concurrence.

In the House: Mr. Burns of Anson moved that the House recede.

On motion of the same gentleman, tabled pending his motion to recede and later today assigned.

#### Non-Concurrent Matter

Bill "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment" (H. P. 865) (L. D. 1053) on which the House Insisted on its previous action whereby the Bill was passed to be engrossed as amended by House Amendment "A" (H-609) and asked for a Committee on Conference in the House on June 16.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed in non-concurrence.

In the House: On motion of Mr. McKean of Limestone, the House voted to recede and concur.

#### Messages and Documents

The following Communication:

State of Maine  
One Hundred and Eighth Legislature  
Committee on Natural Resources

June 17, 1977

Honorable John Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Natural Resources has completed all business placed before it by the 108th Legislature.

Total Number of Bills	62
Unanimous Reports	50
Leave to Withdraw	17
Ought Not to Pass	1
Ought to Pass	9
Ought to Pass as Amended	15
Ought to Pass in New Draft	7
Referred to another Committee	1
Divided Reports	12
Total number of Amendments	15
Total number of New Drafts	7

Respectfully,  
(Signed) WILLIAM B. BLODGETT  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine  
One Hundred and Eighth Legislature  
Committee on Fisheries and Wildlife  
June 17, 1977

The Honorable John L. Martin  
Speaker  
Maine House of Representatives  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Fisheries and Wildlife has completed all actions necessary on the business placed before it by the One Hundred and Eighth Legislature.

Bills received in Committee	76
Unanimous Reports	49
Leave to Withdraw	19
Ought to Pass	5
Ought to Pass in New Draft	3
Ought Not to Pass	12
Ought to Pass as Amended	10
Divided Reports	27
Total Amendments	25
Total New Drafts	4

Respectfully,  
(Signed) CHARLES G. DOW  
Representative Charles G. Dow  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine  
One Hundred and Eighth Legislature  
Committee on Election Laws  
Friday, June 17, 1977

The Honorable John L. Martin  
Speaker of the  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Election Laws has completed all business placed before it by the 108th Legislature.

Total Number of Bills Presented	73
Unanimous Reports	54
Leave to Withdraw	18
Ought Not to Pass	18
Ought to Pass	4
Ought to Pass in New Draft	6
Ought to Pass as Amended	8
Divided Reports	19
Recommitted Bills	3
Unanimous Reports	2
Ought to Pass as Amended	2
Divided Reports	1
Total Number of Amendments	15
Total Number of New Drafts	15

Respectfully,  
(Signed) ANNE M. BOUDREAU  
House Chairwoman

The Communication was read and ordered placed on file.

An Expression of Legislative Sentiment (H. P. 1736) recognizing that:  
GLADYS and ED LEWIS will celebrate their 50th Wedding Anniversary on July 2, 1977.  
Presented by Mr. Blodgett of Waldoboro.  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1737) recognizing that:  
PALMINA DINAPOLI has given 15,649 hours of her time over a period of 32 years in helping the patients of the Veterans Hospital at Togus.  
Presented by Mr. Blodgett of Waldoboro.

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1738) recognizing that:  
The Girls Softball Team of Winslow High School has won the State Class A Softball Championship for 1977.

Presented by Mr. Carter of Winslow (Cosponsor: Senator Levine of Kennebec)  
The Order was read and passed and sent up for concurrence.

**Later Today Assigned**

On motion of Mr. Carroll of Limerick, the following Joint Order. (H. P. 1733)

WHEREAS, landing and docking facilities for Casco Bay Island ferry services are in great disrepair and pose a danger to passengers and vehicles that depend upon these facilities; and  
WHEREAS, the total cost of repairing or constructing the landing and docking facilities is beyond the financial capability of the City of Portland; and

WHEREAS, the residents of the Casco Bay islands are dependent upon one commercial carrier to transport residents back and forth between the islands and the mainland; and  
WHEREAS, the schedule of service between the islands and the mainland creates an undue hardship for many of the residents of the Casco Bay islands; and

WHEREAS, Casco Bay islands' residents are prohibited by law from compensating small boat owners to provide transportation between the islands and the mainland to supplement present commercial services; and

WHEREAS, one alternative to the problem of transportation between the islands and the mainland is the creation of a Casco Bay Transit District; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation conduct a study of the transportation problems and needs of and the alternatives to the present transportation system between the Casco Bay islands and between the Casco Bay islands and the Portland City mainland; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 or no later than 90 days prior to the first regular session of the 109th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form, and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.  
The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to pose a question. I am not sure whether it is posed best to the Chairman of the committee or perhaps to the Chair. This order deals with the study of problems with the residents of the islands in Casco Bay. If you turn to the next page of the calendar, Page 8, there are two bills sponsored by myself and the Representatives from Portland, Nelson and Brennerman, that deal with that situation. Those two bills have been given a unanimous "Ought Not to Pass" Report by the Committee contrary to the understanding that I had that they were going to be "Leave to Withdraw." The question is, if this order passes and the study does take place, and if the study does recommend that legislation similar to these two "Ought Not to Pass" Reports be introduced into the special session, will those bills be allowed to be introduced pursuant to the study order?

The SPEAKER: The Chair would respond to the question by indicating that both "leave to withdraw" and "ought not to pass" reports,

pursuant to the rules, means that they are dead bills. That does not change the difference between the two at all. If a bill is the result of a study, they, of course, will be let in in the next session of the legislature.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I think that I would like to have this tabled until later today, because there is on bill that is still before us that has been reported out of committee that has not been reported out "ought not to pass" or "leave to withdraw" that does have some effect on this order. I would like to have this tabled until later in the day.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage and later today assigned.

A Joint Resolution (H. P. 1740) in memory of FRED E. CLARK, Sr., of Saco, a former councilman and school board member, who devoted his life to public service.

Presented by Mr. Hobbins of Saco.  
The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Nadeau of Sanford it was Ordered, that Louis Jalbert of Lewiston be excused for the duration of his illness.

**House Reports of Committees**

**Ought Not to Pass**

Mr. Brown from the Committee on Transportation on Bill "An Act Relating to Transportation to Islands in Casco Bay" (H. P. 789) (L. D. 937) reporting "Ought Not to Pass"

Mr. Brown from the Committee on Transportation on Bill "An Act Creating a Transit District in Casco Bay;" (H. P. 792) (L. D. 1015) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

**Leave to Withdraw**

Mr. Curran from the Committee on State Government on Bill "An Act to Establish a Permanent Governor's Committee on Children and Youth" (Emergency) (H. P. 783) (L. D. 1013) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act Establishing a Single Unit Within State Government to Administer Human Services to Children" (H. P. 1008) (L. D. 1211) reporting "Leave to Withdraw"

Mr. Jacques from the Committee on Transportation on Bill "An Act to Re-establish the Town Road Improvement Fund" (Emergency) (H. P. 1410) (L. D. 1579) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Coordinate the Funding of and Admissions to Children's Residential Care Facilities" (H. P. 487) (L. D. 607) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft**

Mr. Birt from the Committee on Election Laws on Bill "An Act Relating to Campaign Reports and Finances" (H. P. 1256) (L. D. 1444) reporting "Ought to Pass" in New Draft (H. P. 1739) (L. D. 1888)

Report was read and accepted, the New Draft read once and assigned for second reading later today.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-688) on Bill "An Act to Revise the Election

Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots" (H. P. 1117) (L. D. 1335)

Report was signed by the following members:

Mr. DANTON of York  
Mr. KATZ of Kennebec

— of the Senate.

Mrs. DURGIN of Kittery  
Mrs. BOUDREAU of Portland  
Mr. BOUDREAU of Waterville  
Mr. McMAHON of Kennebunk  
Mr. BIRT of East Millinocket

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. TROTZKY of Penobscot

— of the Senate.

Mrs. MITCHELL of Vassalboro  
Mr. TRUMAN of Biddeford  
Mr. RAYMOND of Lewiston  
Mr. BUSTIN of Augusta  
Mr. TALBOT of Portland

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

(On motion of Mr. Talbot of Portland, tabled pending the motion of Mrs. Boudreau of Portland to accept the Majority Report and later today assigned.)

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-689) on RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 1267) (L. D. 1494)

Report was signed by the following members:

Mr. USHER of Cumberland  
Mr. PRAY of Penobscot  
Mr. REDMOND of Somerset

— of the Senate.

Mr. MacEACHERN of Lincoln  
Mr. ROLLINS of DIXFIELD  
Mr. GILLIS of Calais  
Mr. TOZIER of Unity  
Mr. McKEAN of Limestone

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolve.

Report was signed by the following members:

Mr. MILLS of Eastport  
Mr. MASTERMAN of Milo  
Mr. DOW of West Gardiner  
Mr. PETERSON of Caribou  
Mr. PEARSON of Old Town

— of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Minority "Ought to Pass" Report was accepted, the Resolve read once and assigned for second reading later today.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-687) on Bill "An Act Relating to Private Visitation and Rehabilitation Process at Correctional Institutions" (H. P. 698) L. D. 880)

Report was signed by the following members:

Mrs. TRAFTON of Auburn  
Mrs. NELSON of Portland  
Mr. BRENERMAN of Portland  
Mr. GOODWIN of South Berwick  
Mrs. KANE of Augusta  
Mr. KERRY of Old Orchard Beach  
Mrs. GILL of South Portland

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. PRAY of Penobscot  
Mrs. SNOWE of Androscoggin  
Mr. GREELEY of Waldo

— of the Senate.

Mrs. PRESCOTT of Hampden  
Mr. TYNDALE of Kennebunk  
Mr. FOWLIE of Rockland

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report. (On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.)

#### Divided Report

Majority Report of the Committee on Health and Institutional Services Reporting "Ought to Pass"; as amended by Committee Amendment "A" (H-686) on Bill "An Act to Provide for the Posting of Certain Common Dental Fees" (H. P. 1269) (L. D. 1497)

Report was signed by the following members:

Mrs. TRAFTON of Auburn  
Mr. BRENERMAN of Portland  
Mr. GOODWIN of South Berwick  
Mrs. KANE of Augusta  
Mr. KERRY of Old Orchard Beach  
Mrs. PRESCOTT of Hampden  
Mr. FOWLIE of Rockland

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. GREELEY of Waldo  
Mrs. SNOWE of Androscoggin  
Mr. PRAY of Penobscot

— of the Senate.

Mrs. GILL of South Portland  
Mrs. NELSON of Portland  
Mr. TYNDALE of Kennebunkport

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

Mr. Peterson of Caribou requested a vote on the motion.

The SPEAKER: All those in favor of accepting the Majority "Ought to Pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-686) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First day:

(H. P. 1704) (L. D. 1879) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company — Committee on Natural Resources reporting "Ought to Pass" as amended by Com-

mittee Amendment "A" (H-706)

(H. P. 1031) (L. D. 1278) Bill "An Act to Establish a Licensing Fee for Bow and Arrow Hunting and Fishing" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-704).

(H. P. 416) (L. D. 523) Bill "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-703)

(H. P. 1453) (L. D. 1693) Bill "An Act to Establish Long-term Foster Care" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-697)

(H. P. 218) (L. D. 282) Bill "An Act Concerning Transient Sales of Consumer Merchandise" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-710)

(H. P. 1408) (L. D. 1678) Bill "An Act Concerning the Farm and Open Space Tax Law" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-711)

(H. P. 910) (L. D. 1158) Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-712)

(H. P. 1277) (L. D. 1508) Bill "An Act Creating Job Security for Deputy Sheriffs" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-713)

(H. P. 1122) (L. D. 1340) Bill "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-719)

No objections being noted, under suspension of the rules, the above items were ordered to appear on the Consent Calendar, Second Day, later in today's session.

#### Later Today Assigned

(H. P. 1362) (L. D. 1667) Bill "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-717)

On the objection of Mrs. Locke of Sebec, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-717) was read by the Clerk.

(On motion of Mrs. Locke of Sebec, tabled pending adoption of Committee Amendment "A" and later today assigned.)

(H. P. 1273) (L. D. 1501) Bill RESOLVE, to Authorize a Study of the Judicial Pension System of the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-716)

(H. P. 148) (L. D. 178) Bill "An Act Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections Institutions and the Baxter School for the Deaf" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-721)

(H. P. 913) (L. D. 1119) Bill "An Act to Eliminate Tax on Marine Worms and Replace it

With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-726)

No objections being noted, under suspension of the rules, the above items were ordered to appear on the Consent Calendar, Second Day, later in today's session.

#### Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day.

(H. P. 1230) (L. D. 1475) Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (C. "A" H-672)

No objection having been noted at the end of the Second Legislative Day, the above item was passed to be engrossed and sent up for concurrence.

(H. P. 740) (L. D. 945) Bill "An Act to Provide for Tourism, Promotion and Information Services" (C. "A" H-671)

On the objection of Mr. Biron of Lewiston, was removed from the Consent Calendar.

The SPEAKER: The pending question is acceptance of the Committee Report.

The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to L. D. 945, which calls for an appropriation in two years of \$600,000 — the first year, \$300,000; the second year, \$300,000. The sponsor of the bill is Mr. Palmer, and I have some questions pertaining to this legislation.

The title of the bill is "An Act to Provide Tourism, Promotion and Informational Services" here in the State of Maine. If I may, I would like to pose a question through the Chair to Mr. Palmer. If I read this bill correctly, can anyone in the tourist industry apply for this matching grant money that is being made available through this legislation?

The SPEAKER: The gentleman from Lewiston, Mr. Biron, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is the intent of the bill that an independent agency could, indeed, take care of these funds if they had the approval of the department. That is a possibility and a very good possibility.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker and Members of indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. BIRON: Mr. Speaker and Members of the House: In reading this legislation, what this bill will be doing is making \$600,000 available to different groups and/or organizations, as explained by the sponsor, in matching grants for the purpose of tourism development here in the State of Maine.

As some of you might know, I am in the advertising business, I own an advertising agency and I fully realize that on a national level, and I think if this money is to be used effectively, it should be used promoting the State of Maine outside the state, if monies like this are to be spent, this \$300,000 should be spent by one group or one agency promoting the State of Maine, not diversified among many people,

which the bill now calls for and therefore not having any impact at all. Three hundred thousand dollars spent on the Massachusetts market, for example, is a limited amount of money being spent by the State of Maine. Believe me, it will not have that much of a substantial impact. Yet, when you take that \$300,000 and you divide it amongst the restaurant people and motel people and anyone who is interested in tourism, you will have no impact at all; therefore, that is why I moved for the indefinite postponement of this bill. It is spending \$300,000 that, first of all, we don't have and, secondly, that will have no impact, in my opinion.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address, first of all, the remarks just made by the gentleman from Lewiston and then just say a word or two about this bill. I think he misunderstood exactly what I said when I answered his question. If you will turn to the document, the first page, Section 2, he will read — "Responsibilities of the State Development Office. The State Development Office may contract with one private organization which represents all major segments of the tourism industry in Maine to do the following: Conduct a promotion and advertising campaign to attract tourists to Maine and make prompt, effective responses to requests for information from actual and potential tourists." So it is not exactly, as the gentleman from Lewiston pointed out, something that is going to be passed out piecemeal to every different little organization there is in the State of Maine. The Development Office would have the power to contract with one, and one which has been mentioned over and over again is the Maine Publicity Bureau, but that is not necessarily what might happen. I point that out, though, as rebuttal to what the gentleman from Lewiston just said.

I would like to take just a moment or two, since this has been brought up, to mention this bill and really the great impact it has and also to correct the figure which the gentleman from Lewiston is using, because the Appropriations Committee has, indeed, amended the bill. It is no longer \$600,000; it is \$400,000. I would much prefer to have had the six, but four is better than nothing.

I want to remind this House that we have here one of Maine's great industries. It is a clean industry, an attractive industry and one which creates many many jobs in this state. I would remind you that it employs about 7 per cent of the total labor force in the State of Maine and that it accounts for about 14 per cent of all the taxes which we receive in the State of Maine. In 1975, spending by tourists totaled in this state \$337 million, generating an economic activity far in excess of \$600 million.

I would also point out to you that we are the only state in the United States at the present time not investing one penny in the promotion of the tourism industry. It is a big business, it means lots of jobs for our Maine people, and, frankly, I don't know what we would do if we did not have it and did not look to it as a part of our expanding economy in the years to come. It is the only major industry in this state which is not being spurred to economic growth in any way by our state government, and I would hope that you would accept the committee report of Appropriations and move this on its way. It is a very very vital part of expanding the economic base of Maine for the future. It is a very very vital part in seeing that we do indeed expand that base and create an atmosphere which will return to Maine citizens better jobs and also more tax dollars to state government to do the things which we here know need to be done.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to reiterate

what the gentleman from Nobleboro has said, and that is that the contract could go to one contractor. I would also explain to you how the appropriation would work. The private industry would still have to raise \$100,000 on its own, which would be considered what it perhaps would have raised anyway and would not be matched. After that point, up to \$200,000 could be matched by the State of Maine if the private industry were to raise that amount. We also, in Committee Amendment "A," if you have not seen it, under filing number H-671, have amended the bill to encourage tourism in the under-utilized areas of the state and also to encourage tourism for all four seasons of the year. We think it is a good bill, we think it is needed. It, of course, is going to have to take its chance again, as many other bills are going to, on the Appropriations Table. I would hope that you would not indefinitely postpone it today, and when the vote is taken, I would ask for the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like to pair my vote with the gentlelady from Vassalboro, Mrs. Mitchell. If she were here, she would be voting no and I would be voting yes.

#### ROLL CALL

YEA — Biron, Carter, F.; Lewis, McHenry, Raymond, Smith, Teague, Wood.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry Berube, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbs, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Marshall, Masterman, Masterton, Maxwell, McBreairey, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Perkins, Peterson, Post, Prescott, Quinn, Rideout, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Whittemore, Wilfong, The Speaker.

ABSENT — Blodgett, Brown, K.L.; Carey, Carrier, Carter, D.; Dudley, Gauthier, Hutchings, Jalbert, Kerry, Littlefield, Mackel, Mahany, Martin, A.; Moody, Peakes, Peltier, Plourde, Rollins, Valentine, Wyman.

PAIRED — Mitchell, Tierney.

Yes, 8; No, 120; Absent, 21; Paired, 2.

The SPEAKER: Eight having voted in the affirmative and one hundred twenty in the negative, with twenty-one being absent and two paired, the motion does not prevail.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-671) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

(H. P. 1407) (L. D. 1565) Bill, "An Act to As-



sist Municipalities in the Acquisition of Land or Interests in Land" (C. "A" H-675)

(H. P. 610) (L. D. 747) Bill, "An Act Relating to the Right of Public and Private Residential Care Facilities to Provide Special Education" (C. "A" H-679)

(H. P. 547) (L. D. 664) Bill, "An Act Concerning Solicitation by Law Enforcement Officers" (C. "A" H-678)

(H. P. 1397) (L. D. 1658) Resolution, Proposing an Amendment to the Constitution to Delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee (C. "A" H-676)

(H. P. 1391) (L. D. 1618) Bill, "An Act to Provide Legislative Oversight of Appropriated Fund Transfers" (C. "A" H-680)

(H. P. 527) (L. D. 657) Bill, "An Act to Amend the Statutes Relating to Airmobiles" (C. "A" H-681)

(H. P. 795) (L. D. 939) Bill, "An Act to Establish a Maine Veterans Home" (C. "A" H-691)

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent up for concurrence.

#### Passed to Be Engrossed

Bill, "An Act to Improve the Effectiveness of the State's Development Financing Mechanisms" (H. P. 1727) (L. D. 1886)

Bill, "An Act to Clarify Election Related Laws" (H. P. 1734) (L. D. 1887)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence. (Later Reconsidered)

Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 1317) (L. D. 1553)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I, myself, support the concept of binding arbitration, but such legislation as proposed in this L. D. imposes the system on our local communities, which I feel such process should be locally initiated, not by the state. I don't believe the State of Maine should be involved in contractual difference of critical employees in their respective communities. I think we should let the communities of Maine resolve their own differences with public employees without interference from Augusta. I must go on record as opposing such blatant interference by the State of Maine into local affairs.

Mr. Speaker. I ask that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker. I would ask for a roll call when the vote is taken on that motion. I think the argument of the gentleman from Millinocket, Mr. Marshall, is at best specious in that he objects to state interference in local bargaining, and the fact of the matter is, this bill amends a state law. State law has controlled bargaining relationships between municipal employees and their employers for the last seven or eight years.

The SPEAKER: A roll call had been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Marshall, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I would like to pair my vote with the gentlelady from Vassalboro, Mrs. Mitchell. If she were here, she would be voting no and if I were voting, I would be voting yes.

#### ROLL CALL

YEA — Aloupis, Austin, Bagley, Birt, Brown, K.L.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Kilcoyne, Lewis, Littlefield, Lougee, Marshall, Masterman, Masterton, McBreairty, McPerson, Morton, Nelson, M.; Nelson, N.; Palmer, Perkins, Peterson, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Torrey, Tozier, Twitchell, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Boudreau, A.; Brennerman, Brown, K.C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dudley, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lynch, MacEachern, Mahany, Maxwell, McHenry, McMahon, Nadeau, Najarian, Peakes, Pearson, Post, Prescott, Quinn, Raymond, Spencer, Stubbs, Talbot, Teague, Theriault, Tierney, Trafton, Truman, Tyndale, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Blodgett, Boudreau, P.; Bunker, Carey, Carrier, Gauthier, Jalbert, Kerry, Lunt, Mackel, Martin, A.; McKean, Mills, Moody, Norris, Peltier, Plourde, Rideout, Shute, Valentine.

PAIRED — Garsoe, Mitchell.

Yes, 51; No, 77; Absent, 21; Paired, 2.

The SPEAKER: Fifty-one having voted in the affirmative and seventy-seven in the negative, with twenty-one being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

Bill, "An Act Concerning an Exemption from the Real Estate Transfer Tax" (H. P. 390) (L. D. 479)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-692) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

#### Second Reader

##### Later Today Assigned

Bill, "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct" (H. P. 113) (L. D. 1430)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Hughes of Auburn, tabled pending passage to be engrossed and later today assigned.)

Bill, "An Act to Extend the Exemption for Certain Individuals Engaged in Fishing From Coverage Under the Employment Security and Workmen's Compensation Laws" (Emergency) (H. P. 198) (L. D. 259) (H. "A" H-696 to C. "A" H-673)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that we debated the other day that we had a divided report out of the Labor Committee on, and I would just like to bring your attention to the amendment on Committee Amendment "A". It

says in that Committee Amendment that it follows the federal regulation guidelines. It says "not less than 10 ton." They have taken out the words "on a boat." So in other words, what this says now is that you have to have all your employees over 10 ton covered by the workmen's compensation benefits, but anyone under that, it is all right to cover them. In other words, if six or seven people are working, they are not to be covered by the workmen's compensation law, but it is all right for a large group. So if I have a small business, fishermen working for me, I can buy a smaller boat of 8 ton and I can get away with not paying workmen's compensation benefits. I don't believe that is the intention of the members of this House. I don't believe that we want anyone working who is not protected to the fullest extent of the law.

When we start giving exemptions, we hit an individual who still has a family, he has children to raise, and if he is injured, he is left out. I don't believe that is the intent of this House, just because it concerns fishermen. There are more people to be covered in this state who are going to be coming in for exemptions, and I don't believe that 10 ton has anything to do with the protection of the working people.

I believe that this is a bad bill, this is an anti-labor bill, and it is not in the best interest of the working people who work on fishing boats under 10 ton.

We debated this in committee for I don't know how long. We had the sponsor before us many times to try to push so that small fishermen who have people working for them can escape their responsibilities, and they say, well, we give them half of the catch. They get paid in goods. Well, so be it; that has nothing to do with their protection that they should be getting under the workmen's compensation benefits. That law is put in there for all working people, not only a few, and if we are going to divide the few, then we are weakening the system that it was intended for.

In all good conscience, I don't know how we can support this kind of a measure. What we are going to end up doing is, we are going to soon say that all industries will not be classified together. The store personnel is going to be in one group, the fishermen in one group, and if I have a small manufacturing plant with four or five employees, I am not going to go out and spend money to have them covered if I can get away with it. That is what you are saying in this bill; that is what this bill is, whether you know it or not. To be sure, the larger boats are covered, but that is not what this bill says; we know that. What this bill says is that you are exempting people who work for a living from being covered under the workmen's compensation benefits, and that is not right, that is wrong.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Men and Women of the House: In this bill, we do not address workmen's compensation. This was a confusing point last week when we debated this bill. It should have been taken out of the title. I thought that it was going to be taken out of the title. I spoke to the Chairman and I thought it was going to be amended out. We do not address workmen's compensation in this bill; we address unemployment compensation, and I don't understand Mr. Laffin. He never misses a committee work session. If he wants to meet me up back I will go over it with him, but we do not address workmen's compensation in this bill. I would not support a bill that took workmen's compensation away from any employee. This addresses unemployment only.

Mr. Laffin, if you want to go up back, I will talk about it with you.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker and Members of



the House: I realize, Mrs. Tarr, that I don't know too much, but I will tell you one thing, on Page 2 of Committee Amendment "A," it removes from the bill a provision that would exempt fishermen from the workmen's compensation benefits.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: It is very easy, I think, to become confused when you are dealing with a bill that you have talked about probably at least 15 times in front of the committee. The fact of the matter is, workmen's compensation is not addressed in this bill through Committee Amendment "A." It should have been taken out of the title. We didn't want to get into a new draft because of the expenses involved, but workmen's compensation is not an issue in this bill, only the matter of unemployment compensation in the specific area where people are working for part of the catch.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: When this bill was debated on Friday, I was somewhat incapacitated and would like to thank the members of the House for their strong vote of support on this particular piece of legislation. I think the proponents did an excellent job of defending it, and I would just like to speak very briefly about it this morning.

I hope that everyone does understand very clearly that the workmen's comp issue is no longer addressed in this bill; it has been removed. For the purpose of just a little bit of clarification, the federal law, the so-called Jones Act, basically states in so many words that fishermen are, in fact, liable for the condition of their boat and the safety of their crew while they were working on the land, but let's read a brief review of a Supreme Court decision the other day that suggested that that same type of protection were suggested to fishermen while they were working on the land, but let's just completely forget about the workmen's comp issue. It has been taken out of this bill. As far as I am concerned and as the gentleman from Augusta, Mr. Bustin, has indicated, it is no longer an issue.

I would also like to thank the Labor Committee because they allowed me to appear five or six times before the committee to try and address this issue. I would like to make a couple of very quick points. Number one, before 1973 or 1974 when the Internal Revenue Service conducted an investigation of tax returns of lobster fishermen in this state, most fishermen in this state always consider themselves to be self-employed contractors. They work for a share of the catch, they pay their own taxes, their own social security, and since they were not considered employees, the owner of the vessel did not pay any unemployment compensation or workmen's compensation.

Since that investigation took place, there has been a change in how the federal government sees the employment status of crew members on fishing vessels, and I would point to the fact that last fall in the comprehensive tax reform act of 1976, the Congress did, in fact, address this issue and stated very clearly for the purposes of social security and the purposes of income tax that crew members on vessels, crew members numbering 10 or less, I might add, on fishing vessels were considered self employed for those particular purposes.

As far back as the information I have available, there has always been an exemption, or for quite some time, on vessels of less than 10 net ton. So what I am trying to indicate is that what we are attempting to do with this particular law is to bring it into conformity with the federal statutes, and we did this because of the

action that the federal government took last fall.

I would ask you to continue to support this piece of legislation. I think it is a piece of legislation that both owners of vessels and crew members support. I would ask you to consider the fact that fishermen do not always fish roughly 260 days a year, which would be the normal course of a working year for an employed individual. Their labors are subject to a number of whims, snow, rain, wind, storms, etc., so for this reason, they have asked to be exempted and I would ask you to support passage of this bill to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to just leave you with one thought in mind. During one of the hearings that we had, and I think it was the last one, the Representative from Portland, Mr. Flanagan, asked the sponsor of this bill if this would be detrimental to the fishermen who are working, and he said, yes.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I would like to respond to the comment from the good gentleman from Westbrook. The gentleman from Portland did in fact ask me that question, I have been meaning to tell him for a couple of days that my answer to him was not completely correct. What I should have indicated to him was that the federal exemption presently exists on vessels of less than 10 net tons. The federal law does not require owners of a vessel of less than 10 net tons to pay the federal unemployment tax, and simply what we are doing is trying to conform to the existing federal law at this time. When the gentleman from Portland, Mr. Flanagan, asked the question, I was incorrect. I apologize to him. Obviously, I did not intend to mislead him because, frankly, the correct answer was in support of the position of the bill that I presented. I apologize to him, I apologize to the gentleman from Westbrook and I apologize to the members of the House for that piece of misleading information.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Stonington, Mr. Greenlaw, has laid out to you here our intentions in this bill, and I think it is very well intentioned. I would also point out to you that if we do not pass this bill, it means some jobs for these fishermen, that they will be unable to be employed, and I would ask your support today in passing this piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, a point of inquiry from somebody from the Labor Committee if they might explain to me — why should just the fishermen be exempt in that respect when the woodsmen can't? If I hire two men, I am liable for their workmen's compensation and their unemployment. Now, would somebody tell me the difference. Why should the woodsmen not have that same type of reasoning that you fellows are asking for? I can't understand the difference.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I am not going to try to address the question of the woodsmen, because I got myself into some difficulty the last time, but in terms of why this is different from anyone employing an individual, first of all, this bill does not deal with workmen's compensation. Workmen's compensation has to be handled the same way as it was before this bill was put in. Although the insurance on boats is different, the captain

of the boat would be liable for workmen's compensation while somebody was working on the dock, if that were the case.

But as far as unemployment goes, we are dealing with a very specific kind of situation, and that is, when two or more fishermen decide to fish together for a share of the catch and they are not getting any kind of salary at all, they decide to go together for a certain period of time to fish for a share of the catch and what has happened traditionally is that in most of these instances people have been considering themselves self employed. They have really been considering themselves as though they were acting more like partners than one being an employer and the other being the employee. This case has existed up until the time of the Internal Revenue Service audit four or five years ago.

What this bill does, I believe that in most instances it recognizes in law the situation that has existed for many many years. The kind of thing that will happen, for instance, is you might have two lobstermen who lobster in the summer, during the winter, it is not safe, really, to lobster alone or to fish alone, and there has been at least one incident that made it very clear to all those who lived along the coast this year, so maybe they will get together during the winter either go lobstering together or to go scalloping or to go ground fishing. One is not an employee and one is not an employer, but under the Internal Revenue guidelines, what used to be the case, and on the employment situation what is the case now as far as fishing boats are concerned, if they are going scalloping, for instance, the captain of the boat would be considered the employer and whoever went with him would be considered the employee. That is just not the kind of situation that it is, and this is only when they are going for a share of the catch. If somebody is getting any kind of salary at all, whether they are only getting paid by salary or whether they are getting paid \$25 a week or \$50 a week as a base pay, and then getting a share of the catch over that amount, then they are clearly employees and are recognized under the employment law as such and are recognized under the Internal Revenue Service law and the State Income Tax law as such.

What my amendment did, which there seems to be some confusion about, as I said when I put the amendment on, it was my understanding that what the committee wanted was to conform with federal law dealing with unemployment, and the committee amendment came out under 10 ton when the federal law is actually 10 ton or less, and the House Amendment which I put on specified 10 ton or less to bring this into line with federal law.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: The only thing I can say that this bill is going to do, you are going to find more and more woodsmen are going to share the same way in small groups, just the same as the fishermen are going to do. I can't see why it is not more fair for one than it is for the other.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 71 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Later Today Assigned

Bill "An Act Relating to Charitable Solicitations" (H. P. 1451) (L. D. 1736) (C. "A" H-690)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Biron of Lewiston, tabled pending passage to be engrossed as amended and later today assigned.)

Bill "An Act to Repeal Certain Laws Relating to Local and County Government" (H. P. 1279) (L. D. 1510) (C. "A" H-645)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Henderson of Bangor, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-709) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment provides some flexibility in local communities in their funding for reimbursements for losses from inventory tax. Some communities had budgeted a certain amount of money which they now really no longer need, and this would just allow them not to go ahead and raise taxes for the amount of money that they have gotten reimbursed. It is mainly a technical amendment to the bill.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Mr. Carter of Winslow offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-728) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" and House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

#### Tabled and Assigned

Bill "An Act Relating to the Administration of Medication" (H. P. 1236) (L. D. 1389) (C. "A" H-640)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Burns of Anson, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act to Revise and Clarify Portions of the Workmen's Compensation Act" (H. P. 638) (L. D. 820) (C. "A" H-642)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-693) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

Bill "An Act to Require an Annual Adjustment in the Standards of Need for Families Receiving Aid to Dependent Children" (H. P. 1124) (L. D. 1342) (C. "A" H-653)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and

Plantations (H. P. 1009) (L. D. 1212) (C. "A" H-659)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Curran of South Portland, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-707) was read by the Clerk.

On motion of Mr. Curran of South Portland, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

Bill "An Act to Provide for Special Education Facilities for Children at Drug Treatment Centers" (S. P. 342) (L. D. 1126) (C. "A" S-242)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended in concurrence.

#### Finally Passed

##### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs (H. P. 2) (L. D. 2) (C. "A" H-572)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 122 voted in favor of same and 3 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

##### Passed to Be Enacted Emergency Measure

"An Act Appropriating Funds for Maine Health Systems Agency, Incorporated, to Ensure That Quality Health Services are Available at a Reasonable Cost to all Maine People" (S. P. 173) (L. D. 490) (C. "A" S-210)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a roll call on this measure, and I would hope the people would not vote for it. I have reason to believe that the Maine Health Systems Agency operates in a very high-handed manner and they are in competition with other health agencies in this state, and I see no reason for this state to fund a federal project.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to pose a question to the good gentlelady from Auburn, Mrs. Lewis, and ask her just what she means by competition with other health agencies?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question through the Chair to the gentleman from Auburn, Mrs. Lewis, who may answer if she so desires.

The Chair recognizes that gentleman.

Mrs. LEWIS: Mr. Speaker, one particularly very large agency would be the Maine Department of Human Services.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I explained at some length last week what the Health Systems Agency does. It is in no way in competition with the Department of Human Services. They have a dual role. In many cases, the Health Systems Agency makes recommendations to the Department of Human

Services and the Department of Human Services then can agree or disagree. In other areas, they work together on health planning. Both were established in the federal law to play different types of roles, but neither are, in actuality, in competition with the other.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I would like to pair with the gentleman from Vassalboro, Mrs. Mitchell. If she were here, she would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Alopous, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berry, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Masterton, McBreairty, McMahon, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Perkins, Peterson, Prescott, Quinn, Rideout, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Trafton, Truman, Twitchell, Tyndale, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Bachrach, Berube, Biron, Birt, Brown, K. L.; Byers, Carter, F.; Conners, Durgin, Gillis, Green, Hutchings, Kane, Lewis, Littlefield, Lizotte, Marshall, Masterman, Maxwell, McHenry, McKean, McPherson, Post, Raymond, Rollins, Strout, Teague, Torrey, Tozier.

ABSENT — Blodgett, Bunker, Carey, Carrier, Dudley, Gauthier, Jalbert, Kerry, Mackel, Martin, A.; Mills, Moody, Norris, Peltier, Plourde, Valentine.

PAIRED — Gray, Mitchell.

Yes, 104; No, 29; Absent, 16; Paired, 2.

The SPEAKER: One hundred four having voted in the affirmative and twenty-nine in the negative, with sixteen being absent and two paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this Bill was passed to be enacted and ask that you vote against me.

The SPEAKER: The gentleman from Bath, Ms. Goodwin, moves that the House reconsider its action whereby the Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

#### Passed to Be Enacted

"An Act Relating to an Increase in the Volume Fees Paid by Major Creditors under

the Maine Consumer Credit Code" (H. P. 180) (L. D. 242) (C. "A" H-485)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property" (H. P. 1641) (L. D. 1843) (H. "A" H-533; H. "C" H-548; H. "D" H-578)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Devoe.

Mr. DEVOE: Mr. Speaker and Members of the House: I will not belabor this point this morning, I will simply reiterate, for purposes of the record, that this bill in its present form, giving the injunctive powers to the District Court, is a radical departure from our historical use of injunctions. At the present time, the Maine District Court does not even have a rule concerning injunctions. If you look in the Civil Rules of Procedure for the District Court, you see no provision for guidance to the court in issuance of injunctions such as you have in the Superior Court Rules of Procedure.

A week ago, after we had debated this the last time in the House, when I was home in the evening, I spent an hour looking through the statutes on injunctions, and I was able, in the course of an hour, to read some 12 or 15 separate sections of the statutes where injunctions are provided for. In only one instance, and that is in a rather unusual situation involving causeways, filling in or the construction of causeways, bridges, wharves or docks above the head of tide, was there a provision where a court could issue an affirmative injunction to compel the restoration of the affected area. Now, by no means was this a comprehensive review of the some 80 to 90 separate sections in the statutes involving injunctive powers.

I will only say this, that in my opinion, neither in committee nor on the floor of the House has there been compelling evidence offered to this legislature to justify the use of an injunctive process in the landlord-tenant sphere of activity.

Mr. Speaker, I move that this bill be indefinitely postponed, and all of its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker and Members of the House: I will not prolong this but just a second. I felt I had to speak in regards to a piece that was in the Morning Sentinel in answer to a Mr. Bartlett's article in the Sentinel, and this was answered by the good gentleman from North Anson, Mr. Burns. I will read in part. I just want to do this so some people won't be misled it says, "The legislation he refers to, L. D. 313, is supported by both informed landlords and tenants." Now, I consider myself an informed landlord, being in the business 27 years, and many other landlords that have been in the business for a good many years feel the same way.

Another portion of the article says: "It is true that there are forces in the House that have interests on both sides of the issue, landlords and tenants, and I do question whether they should be involved in deliberating this legislation. There is a definite conflict of interest." Definitely, there is an interest in both parties. There is also in your Teacher Associations and all these things that come before the House. If everyone who is involved in something does not take a stand or vote on it, I don't think many of us should be down here, you don't need us, and probably that is a good thing.

Another part of the article says: "L. D. 313 is modeled upon provisions of the uniform

residential landlord and tenant act which is recommended for enactment in all the states by the National Conference of Commissioners on uniform state laws." That is true, the federal government gets involved in housing, they put the restrictions in, then they interfere with private enterprise, and pretty soon there will be no more private enterprise in rental property, it will all be government. If this is what you want, go ahead and keep putting the problems to the landlords.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In discussions on the various landlord tenants bills, there has been frequent references to the free enterprise system and its survival. The Judiciary Committee has supported two bills in this area, both of them at the very heart are based on the assumption that the person who contracts to do something should carry through with his contract. This bill provides that if a person contracts for a habitable apartment, that apartment should be provided and if it is not provided, corrective action should be available so that it will be provided.

The other bill that a majority of the committee supported, and a large majority is now supporting, would deal with the time period for evicting a tenant who is behind in his rent. It would shorten that time period so that the landlord who is not being paid can get the tenant out with less time than it is under the current law.

We have worked very hard in this area on the committee. We have a number of bills, we had a lot of representatives of the tenants and a lot of representatives of the landlords, and I would urge you to support this bill which does assure that a tenant who contracts for an apartment that it is a livable one, will get it, and then I would urge you to support the other bill which makes it possible to remove a tenant who is not paying his rent on shorter notice.

I think this is a balanced solution. I think that both sides benefit if we pass both of these bills, and both sides, to some extent, are hurt. What my hope is, having worked out this compromise, that it may be several years before they all come back to the legislature.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker and Members of the House: I must correct the gentleman from Skowhegan on a couple of errors that he made. One is that the Uniform Commission on State Laws is not at all a federal agency; it is a group of state legislators and their organization.

Number two, this bill does not embody their recommended uniform act. This bill is drawn to the needs of what the committee felt were those in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate on this particular issue for several days. There were many times when I thought I ought to get up and speak. I have heard words thrown around like tenant's representative, landlord's representative. I would like to tell you that I am the owner of a few apartments. I tell the people that I am the owner; sometimes they call me a landlord. I prefer to be called the owner because of the kind of negative inference in the terminology "landlord." I think it was referred to the other day as being a medieval term.

I think one of the things we have to consider what we are doing here is, there are many many people living in the State of Maine who are poor people. These poor people need places

to live, and I will have to say that many of the poor people have to live in poor places. The legislation before you seems to indicate that habitability of an apartment cannot be negotiated prior to the tenant's accepting tenancy. In other words, the landlord implies, by just letting it out and by accepting rent, he is implying that the house is habitable, it is non-negotiable.

Now a few weeks later, after some windows have been broken, you know, after one of these Friday night brawls or something and the house is drafty, perhaps the pipes have frozen up and now it is uninhabitable because the pipes are frozen, the windows are broken out, the kids probably kicked a baseball through a cellar window or whatever, now it is uninhabitable, so the tenant can go to court with a complaint and the court can then negotiate habitability, (if I get too many 'abilities' in there, forgive me). They can renegotiate the rent, and reduce the rent. They can also have the person move out in the middle of the winter at the expense of the landlord until the frozen pipes are taken care of.

Now, there are also many homeowners in the State of Maine, and I would like to ask the homeowners, if you happen to be a homeowner here, if during the wintertime your furnace goes out or you have a frozen pipe or something like that, and your home is uninhabitable for a period of time, who pays for you? Where do you go and get paid for having your pipes repaired? Do you go to the motel and stay for the weekend while the plumber comes in and repairs? Who pays for that for you? You are a homeowner now.

Sometimes I think we try to pass these pieces of legislation with the idea that we are going to do something for the poor tenant or we are going to be doing something for the poor people. Sometimes I think we rationalize our arguments into those of compassion.

Well, I'll tell you a little story. I have a tenant who is living in an uninhabitable apartment. I told that person that the apartment was uninhabitable. That person was desperate, needed a place to live and that person, the mother of four children, was willing to put her teenagers to work painting, papering and cleaning to make the place livable before they moved in and then continued to do so while they lived there. I said, "All right, I will charge you \$12.50 a week for living there, and any time you buy any paint, I will take it out of the rent that you are paying." The person had to go into the hospital for an operation several months ago, could not pay the \$12.50 rent. The children are still living there and the mother is still living there. They have been trying to catch up on the rent since the operation. They are now caught up until April 30th.

Now, when you talk about compassion, I say to you, I say to you attorneys who are representing the Pine Tree Legal at the taxpayers' expense, I say to you attorneys who may be representing landlords because you have been retained by those landlords, I say to you that you are creating an attorney's bill here. You are choosing sides, you are using the tenants as pawns and the landlords as pawns, you are choosing sides. If you have compassion for the person who is going to pay for this, if you have compassion for the taxpayer, if you have compassion for the renter, who is an ultimate taxpayer, then you will vote yes to indefinitely postpone this bill today. You put your compassion where your money is. Instead of using the words, put your money where your compassion is; vote green on the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, Men and Women of the House: The previous speaker, the gentleman from New Gloucester, raised the point of what about if you want to rent a place

which is not fit for human habitation to a tenant. Under the provisions of L. D. 1843, there is a waiver, and it states: "A written agreement whereby specified conditions which may violate the warranty of fitness for human habitation in return for a stated reduction in rent or other specified fair consideration shall be binding on the tenant and the landlord." This provision permits the landlord and the tenant to expressly agree to conditions which may not be fit for human habitation as long as the tenant receives fair compensation for this agreement.

I think the arguments that were addressed by the good gentleman from New Gloucester don't have merit in this particular case.

I would like, for a second, to discuss with you one matter which the good gentleman from Orono, Mr. Devoe, raised. That is the question of injunction which is stated in the bill. As the good gentleman knows, in the past few years, the district court of the State of Maine has been given equitable relief powers. For example, in the last legislative session, we allowed the district court to handle such things as foreclosures, which is part of an equitable relief problem. Equitable relief, as you probably know, is shared between the superior court of our state and the district court of our state.

When the good gentleman talks about the remedy of injunction, I think the district court of our state has the tools to procure and to use and utilize this particular relief. It helps and assists an individual to get immediate relief. That is what the intention should be.

Mr. Speaker, when the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly this morning, I debated against this bill the other day. There is no question that there was an attempt to compromise in the committee. The compromise that we were going to compromise was on a time situation. That bill didn't fly. I find that I am still as thoroughly opposed to this bill as I was the other day.

I submit that again today, the people who will benefit from this are the attorneys, whether it be Pine Tree Legal or the private attorney who represents the landlord. I think Mr. Devoe has explained very ably. He is certainly an expert in real estate laws and has explained very ably what the problems are with the bill as far as the affirmative injunction goes so I won't go into that. I would state that I am going to vote today.

I have requested from the ethics commission a ruling. They have ruled that both Mr. Joyce and I would be within the order of the rules to vote on this legislation. I would hope that you would indefinitely postpone this bill. In the other bill, the seven day tenancy bill coming along, I do have an amendment for that, which would make that a little better quid pro quo. This is a bad exchange. Don't be misled. There are many, many landlords and property owners across the state of Maine that are opposed to this major move forward.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as a Representative from District 30 and as a landlord myself, I find the bill entirely acceptable. It is acceptable to me for two reasons, one of which is essentially procedural and political within this body. I think we all understand that it is part of sort of a compromise.

If we pass this bill, it enhances the chances of passage of a companion bill which Mrs. Berube has worked so hard on and which I think even the landlords who have just spoken in opposition to the present bill would agree is desirable. In other words, you give a little to get a little. For that reason which I can call standard legislative compromise, something to which we

are all accustomed, something that makes the system work, I think this bill is acceptable.

My second reason, however, is far more substantive. While I do object to some of the laws we have that affect me as a landlord and I do feel they were unwisely drawn, this particular one I think is fair, common sense, and reasonably equitable to all concerned. It simply says that if you promise to deliver something, you will deliver it, and it holds both sides up to it. In addition to that, it makes some provisions for a reasonable method by which differences can be settled and by which undesirable circumstances can be corrected. I think it is perfectly sound, fair legislation and, again, as a landlord I support it and I urge you to.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am opposed to this bill. I find no support in my area from either the landlord or the tenant. I don't wish to further clutter up the courts and make more judges a job. We have continued to hire new judges nearly every time this legislature meets and wonder why. It is because we keep passing legislation here that fills the docket. I am opposed to it for that reason.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: When you take this bill in conjunction with Representative Berube's bill, I think we come out with a progressive and fair and balanced package.

I would like to review very briefly some of the provisions of the bill before us. The inhabitability condition or unfit condition has got to be of such severe nature that it really endangers the health and welfare of the inhabitants inside. The cause of the unfit condition can't be caused by the tenant or anybody under his control. The tenant has got to act properly. He has got to be responsible to try to also contribute and maintain the good condition of the premises and keep them from delapidating. What he has got to do is he has got to provide written notice to that landlord without unreasonable delay. So we can't wait for a minor condition to erupt into a major one, then go to court and force the landlord to come in and try to fix it up. He will be tossed out of court probably with attorney's fees and costs assessed against him.

The landlord, on the other hand, has also got to provide that he upholds his part of the bargain. If he is offering a place for rent, that it be habitable. The tenant would have to show that the landlord unreasonably failed under the circumstances to move in and take action to remedy the unfit condition. At all times, the tenant has to be current in his rent.

I would say that the chief objection to the bill that remains is the objection raised by Representative Devoe regarding injunctive relief. I think the other objections that have been previously raised, also moving expenses has been deleted from the bill, have been taken care of by an amendment. With respect to injunctive relief, a tenant would have to prove, with evidence and convince the court that there was an unfit condition that rendered the place inhabitable before the court could order injunctive relief to fix it up. The tenant and the landlord could come back into court at a later time and dispute whether or not the landlord had effectively placed the premises in habitable condition. This does place additional burdens on the court; yet, the courts of Maine are in existence under our landlord/tenant law, it seems to me, to make sure that under these kinds of provisions, our people in the State of Maine are getting the benefit of the bargain when they enter into a lease and they take a certain premise for rent.

The SPEAKER: The Chair recognizes the

gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I think those of you who have served with me the past seven years know my feelings and my stand on the rights of ownership and private enterprise and private property. I felt for a long time that the pendulum, in the past seven years, had swung so far in the opposite direction from private enterprise.

This bill, which is before you, is a compromise bill. Today, I will vote for it. It has had taken out of the bill most of the things that were opposite to what I believe in.

I would like to make one comment, I believe I forget who said that the landlord must pay the moving expenses and the new lodging, this has been deleted from the bill. This is no longer part of this bill before you. The bill has removed a word that said "for the well-being" of the tenant. That has been deleted so that now it would be for the "safety and health" of the tenant. I see someone who is smiling over there. They never thought I would be up here saying what I am saying. I believe that the reasonable landlords and the good landlords can live with this. I have spoken to the people in my community, the landowners, the property owners, if you will. They feel that they could live with the bill as it is amended. If on the other hand after this bill becomes effective, if it does pass, it is not carried out the way the bill is intended to, if the other bill that I am hoping will finally be enacted, the tenancy at will bill, if this doesn't come to pass, then next January, Mrs. Berube will be introducing a new bill. As far as I can see this morning, I will vote for the bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to pair my vote with the gentlewoman from Vassalboro, Mrs. Mitchell. If she was present, she would be voting no and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Devoe, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Birt, Boudreau, P.: Brown, K. L.; Bunker, Carter, F.; Connors, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Gillis, Gray, Hunter, Hutchings, Immonen, Jackson, Joyce, Kilcoyne, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Masterman, McKean, Norris, Peltier, Perkins, Peterson, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarr, Teague, Torrey, Tozier, Truman, Whittemore.

NAY — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Kane, Kany, Kelleher, Laffin, LaPlante, LeBlanc, Locke, Lunch, MacEachern, Marshall, Masterton, Maxwell, McBreairty, McHenry, McMahan, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Post, Prescott, Quinn, Raymond, Sewall, Spencer, Talbot, Tarbell.



Theriault, Tierney, Trafton, Twitchell, Tyndale, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carey, Carrier, Garsoe, Gauthier, Higgins, Jalbert, Kerry, Mahany, Martin, A.; Moody, Plourde, Strout, Valentine.

PAIRED — Carter, D.; Mitchell.

Yes, 52; No, 84; Absent, 13; Paired, 2.

The SPEAKER: Fifty-two having voted in the affirmative and eighty-four in the negative, with thirteen being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from South Portland, Mr. Curran, having voted on the prevailing side now moves the House reconsider its action whereby this Bill was passed to be enacted. Those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

#### Later Today Assigned

"An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1662) (L. D. 1858) (S. "A" S-245)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Connors of Franklin, tabled pending passage to be enacted and later today assigned.

"An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval" (H. P. 1681) (L. D. 1875)

"An Act to Revise Primary and Nomination Petitions" (H. P. 1692) (L. D. 1872) (H. "A" H-587)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, I move that we reconsider our action of earlier in the day whereby Bill "An Act to Clarify Election Related Laws," House Paper 1734, L. D. 1887 was passed to be engrossed.

On motion of the same gentleman, tabled pending his motion to reconsider and later today assigned.

#### (Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until 2:30 in the afternoon.

#### After Recess

2:30 P.M.

The House was called to order by the Speaker.

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill, "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200)

Tabled — June 16, 1977 by Mr. Curran of South Portland.

Pending — Acceptance of either Report.

On motion of Ms. Goodwin of Bath, tabled pending acceptance of either Report and specially assigned for Wednesday, June 22.

The rules were suspended to permit members to remove their jackets.

The Chair laid before the House the second tabled and today assigned matter:

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-652) — Committee on Taxation on Bill, "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions." (H. P. 1250) (L. D. 1479)

Tabled — June 16, 1977 by Mr. Carey of Waterville.

Pending — Motion of the same gentleman to accept the Minority "Ought to Pass" Report.

Mr. Tierney of Lisbon Falls requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I would like to pair with the gentlelady from Vassalboro, Mrs. Mitchell. If she were here, she would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Durgin, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Mills, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Prescott, Quinn, Raymond, Shute, Spencer, Strout, Stubbs, Talbot, Tarbell, Theriault, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bagley, Birt, Brown, K. L.; Bunker, Cunningham, Dexter, Drinkwater, Dudley, Fenlason, Garsoe, Gill, Gillis, Gould, Higgins, Hunter, Immonen, Jackson, Lewis, Lougee, Lunt, Lynch, Mackel, Marshall, McPherson, Morton, Norris, Palmer, Peltier, Peterson, Rideout, Rollins, Silsby, Smith, Sprowl, Tarr, Teague, Torrey, Twitchell, Whitemore.

ABSENT — Boudreau, A.; Carter, P.; Churchill, Connors, Devoe, Dutremble, Gauthier, Hughes, Hutchings, Jacques, Jalbert, Kelleher, LeBlanc, Littlefield, Martin, A.; Perkins, Plourde, Post, Sewall, Stover.

PAIRED — Gray, Mitchell.

Yes, 88; No, 41; Absent, 20; Paired, 2.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-one in the negative, with twenty being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-652) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the third tabled and today assigned matter:

"An Act Relating to the Regulation of the Blueberry Industry" (H. P. 598) (L. D. 739) (C. "A" H-474)

Tabled — June 16, 1977 by Mr. Diamond of Windham.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be enacted.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill, "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470) (L. D. 1727)

Tabled — June 16, 1977 by Mrs. Najarian of Portland.

Pending — Adoption of Committee Amendment "A" (H-630)

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I started tabling this bill last Monday because of a concern that the Commissioner of Human Services had with the redraft of the bill. It has been completely redrafted. He still, as of this morning, did not have his amendment ready. It is now in the works and I hope it will be ready tomorrow. I hope someone will table this for me one more day.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191)

Tabled — June 16, 1977 by Mr. Henderson of Bangor

Pending — Adoption of Committee Amendment "A" (H-388)

On motion of Mr. Henderson of Bangor, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the sixth tabled and today assigned matter:

"An Act to Clarify and Reform the Laws Relating to County Law Enforcement" (H. P. 214) (L. D. 224) (H. "A" H-415 to C. "A" H-387; H. "A" H-416; H. "B" H-563; S. "A" S-183; S. "C" S-200)

Tabled — June 16, 1977 by Ms. Clark of Freeport.

Pending — Passage to be Enacted.

On motion of Mr. Talbot of Portland, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the seventh tabled and today assigned matter:

Senate Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment." (S. P. 233) (L. D. 730) — In Senate, Minority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled — June 16, 1977 by Mr. Carey of Waterville.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

On motion of Mrs. Post of Owls Head, retabled pending the motion of Mr. Carey of Waterville to accept the Majority Report and tomorrow assigned.

The Chair laid before the House the eighth tabled and today assigned matter:

"An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition" (H. P. 455) (L. D. 560) (C. "A" H-506) — In House, Passed

to be Enacted on June 15, 1977. — In Senate, Bill and all Accompanying Papers Indefinitely Postponed.

Tabled — June 17, 1977 by Mr. Strout of Corinth.

Pending — Motion of Mr. Truman of Biddeford to Recede and Concur.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This House had a strong vote here last week in dealing with this measure. I would hope that we would vote against the recede and concur motion and then we could ask for a motion to insist and see if the other body would join in a committee of conference.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Biddeford, Mr. Truman, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the ninth tabled and today assigned matter:

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-674) — Committee on Taxation on Bill, "An Act to Permit Municipalities to Levy and Collect Service Charges for Certain Municipal Services from Tax Exempt Residential Property Used to Provide Rental Income" (H. P. 1403) (L. D. 1657)

Tabled — June 17, 1977 by Mr. Carey of Waterville.

Pending — Motion of the same gentleman to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: This bill, unfortunately, did not receive a very good report. It is a bill that I sponsored and I would like to give you a little bit of background very briefly and hope that perhaps we can turn this report around.

This bill addresses what I consider to be a long-standing problem of trying to reimburse communities for certain services to tax exempt institutions. Those of you who were here a year ago recall that the gentleman from Portland, Mr. LaPointe, had a rather comprehensive bill on this particular subject matter that went down to flaming defeat in this particular body.

This particular bill, I believe, is much more narrowly drawn than the bill was we heard a year ago, in that it attempts to address the question of tax exempt residential property which produces rental income to an institution. I introduced this bill at the request of the selectmen in the Town of Castine, which I represent, and it is no secret and I indicate very clearly that the reason this bill is introduced is that it addresses the question of residential property which the Maine Maritime Academy owns in that community.

Over a period of years, Maine Maritime Academy has purchased nine residential dwelling units with funds that were appropriated by this legislature or that were approved by the former Executive Council. These properties are rented to faculty and staff of the academy and frequently they have been used to attract people to the academy because the salaries are such that people simply cannot afford to buy property in the Town of Castine. On these residential pieces of property, the academy pays no property tax whatsoever, no service

charge to the community. It seems to me that it is very simply a question of equity for the Town of Castine to receive some compensation for the services rendered to these residential dwellings. I would indicate to you that the Maine Maritime Academy has no qualms whatsoever of charging the Town of Castine some \$3,100 a year for the privilege of allowing the school children in that community to use the physical education facilities at the academy, so it seems to me that what is sauce for the goose should also be sauce for the gander, and this bill attempts to implement that particular philosophy.

Perhaps some member of the Taxation Committee could indicate to us why he or she does not believe that this is a particularly good piece of legislation, but I do hope that you will vote no on the motion of the good gentleman from Waterville, Mr. Carey, to accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: The issue was pretty well spelled out by Mr. Greenlaw, but I, and I think other members of the Taxation Committee, were impressed with the fact that neither the town manager — this was at the hearings that were held — neither the town manager nor the Admiral in charge of the academy there were really interested in the passage of this bill, both of whom seemed to indicate to us that they desired to sit down and work out their differences among themselves. I felt that we should not pass this particular bill, let the town officials and those officials in charge of the academy work out their difference. They appeared before us in a spirit of cooperation with one another, and I think we ought to allow them to work it out, as they indicated they could do.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question on this bill. That is, is the Maine Maritime Academy property that is tax exempt currently the only similar institution that would have such tax exempt property? I am thinking of the University of Maine property. I understand that the original bill says that dormitories would not be subject to taxation, but I am thinking of the buildings that various faculty members might live in, also the private colleges. Is the Maine Maritime Academy going to be the only such institution in the state that is going to have this taxation applied to them, or is it across the State of Maine? Perhaps somebody can answer that for me.

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I will try to respond to the gentleman's question. As she probably well knows, I did have an amendment drafted that would have made this piece of legislation only applicable to the Maine Maritime Academy. The Superintendent of the Academy and the Chairman of the Board of Trustees came up to the hearing and were rather upset, to say the least, as a matter of fact, I could phrase their feelings much stronger than that, and I agreed that perhaps it was in fact discriminating unfairly against the Maine Maritime Academy, so I withdrew the amendment, at least told members of the Taxation Committee that I did not wish to have the amendment considered. So it would apply across the board to all institutions in the state that receive rental income from residential housing.

In response to the comments of the gentleman from Wells, Mr. Mackel, I might in-

dictate to him and the members of the House that although the Town Manager of Castine did come up and indicate general harmony, the Town Manager is not elected by the people of the Town of Castine, and since the hearing, I have spoken twice with the first selectman of the Town of Castine, and he has indicated to me that the selectmen at a meeting that was subsequent to the hearing would like to see the bill enacted into law. If it isn't, perhaps the solution to, as the gentleman from Wells indicated, will be pursued.

I just want to indicate to you that it seems to me so far, with the exception of a \$2,500 contribution that the town has made towards the purchase of a fire truck and the fact that the academy pays for its cost of the sewer treatment plant, it seems to be somewhat of a one-way street. I would indicate to you that the academy has charged the Town of Castine \$3,500 in the past school year for use of a physical education facility for the school children while the school was in session, and I understand they are making a charge of \$3,100 to the town this particular year. It seems to me that if the academy feels obliged to make that type of a charge for young people to use their facilities, that some type of a service charge on those particular residential properties that the town provides some service to is in line.

Again, I would ask you not to accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-674) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the tenth tabled and today assigned matter:

House Divided Report — Majority (7) "Ought to Pass" — Minority (3) "Ought Not to Pass" — Committee on Labor on Bill "An Act Concerning Arbitration for Municipal Fire Departments" (H. P. 522) (L. D. 640)

Tabled — June 17, 1977 by Mr. Quinn of Gorham.

Pending — Motion of Mr. Bustin of Augusta to Accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, the good gentleman from Lewiston, Mr. Jalbert, is absent today, and with due deference to the Dean, I would hope that somebody would table this for one legislative day.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Bustin of Augusta to accept the Majority "Ought to Pass" Report and tomorrow assigned.

The Chair laid before the House the eleventh tabled and today assigned matter:

Bill "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (S. P. 317) (L. D. 1075)

Tabled — June 17, 1977 by Mr. Garsoe of Cumberland.

Pending — Adoption of Committee Amendment "A" (S-236).

The SPEAKER: The Chair recognizes the gentleman from Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Some of us are trying to work out



a better amendment for the amendment, and I would appreciate it if someone would table this for one day.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the twelfth tabled and today assigned matter:

Bill "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573) (C. "A" H-628)

Tabled — June 17, 1977 by Mr. Garsoe of Cumberland.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I move that this matter lie on the table one legislative day.

Whereupon, Miss Brown of Bethel requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that this matter be tabled one legislative day pending passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

The Chair laid before the House the thirteenth tabled and today assigned matter:

Bill, "An Act Relating to Taxable Personal Property" (H. P. 851) (L. D. 1042) (C. "A" H-647)

Tabled — June 17, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed.

On motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the fourteenth tabled and today assigned matter:

Bill "An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94) (C. "A" H-648)

Tabled — June 17, 1977 by Ms. Bachrach of Brunswick.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: Surprise, I am not going to table this. I will beg your indulgence to read the letter from the Town Manager of Brunswick because it is very short and he puts it better than I could. He says, "I have a personal concern that the legislature may act favorably on L. D. 94, thus increasing the property tax exemption for veterans and veterans' widows. This action would further narrow the property tax base and increase the burden on the lower-middle income citizens who are finding it increasingly more difficult to cope with taxes.

"World War II veterans, and I am one" — he is a veteran and so is my husband, for that matter — "will commence claiming exemptions in increasingly growing numbers in the next few years. In 1977, we estimate that the Town of Brunswick will grant about 235 veterans exemptions, having a total value of approximately \$564,000 under the existing law. This represents about a half of a percent of our taxable property. In 1980, under existing law, I estimate that veteran exemptions in Brunswick will total \$700,000. L. D. 94, would cause that 1980 figure to be about \$1,125,000, and that is before the amendment which raises it yet another percent. Expressed another way, L. D. 94 would cause another \$15,000 to \$20,000 in property taxes to be picked up by other Brunswick property tax-

payers who have no exemption to claim." He urges me to vote against it.

I put into the House myself a bill concerning veterans' exemptions which was directed to help the veterans who were most in need of assistance, and I am sorry to say that the legislature chose not to pass that one. I really would like to help such veterans as need help, and we have put through a bill which will allow people who are disabled from 55 up to be eligible under the elderly tax and rent refund act, and I feel that this will be some help in that respect. But as far as this bill is concerned, I am very sorry to oppose it, but the Town of Brunswick can't afford it and I expect that there are some other towns who can't too.

I move that this be indefinitely postponed and I ask for a roll call.

The SPEAKER: The gentlewoman from Brunswick, Ms. Bachrach, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: We heard this bill in Taxation, and I know that the Majority Assistant will remember when he used to sit on the other side of the aisle the fact that he and I worked together to put the term "just value" in a bill a few years ago that would have gone up to \$7,000 from \$3,500. To many veterans, this created tremendous hardships because only those municipalities that were already taxing over 82 percent of true value were, in fact, giving their veterans a break by going from \$3,500 up to the \$4,000. At that particular time, \$7,000 would have been the figure that had to be reached. You can see from this amendment where we go to \$5,000 in one year and \$6,000 in the next, that we are not even getting those veterans, of which I am one, the amount that was required at that time to put them on current status.

I would tell you one thing that the Taxation Committee is looking at, because we have a large number of World War II veterans coming up, and we would like to have you consider the possibility of giving an exemption for veterans at whatever figure we arrive at, at X-number of dollars. We would also then like to have you think of maybe two or three or four times "X" for that veteran that actually faced combat. I spent three of my four years in the service in Tennessee and if you can consider being twenty miles from the Grand Old Opry dangerous service, well then maybe I could be one of those three or four "X" guys but I don't believe so. I think we should be doing something for the veteran that did face enemy action and I would hope that maybe in the next session of the legislature, that would be the direction that we would take but in the meantime, we are trying to get the veterans back to that position that they had thought they had three years ago.

I would hope you would reject and vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I guess I will go along with this bill. Representative Carey has convinced me. But I just thought I would call your attention to a bill to which we gave a First Reading this morning, which we probably will end up sending out to referendum and that is that Constitutional Amendment in which any new tax exemptions would be reimbursed by the state to the municipalities at a 50 percent rate. I just think perhaps we should be keeping this in mind as we talk about tax exemptions that would not occur perhaps until after that referendum is passed. As that resolve is so worded now, that would include this particular bill. I just thought I would call attention to that fact.

The SPEAKER: The Chair recognizes the

gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Relative to the comments of the gentlelady from Waterville, Mrs. Kany, I think that the unique thing about this particular bill is that the state does reimburse for a large part of the loss, when the loss I believe, exceeds 3 percent of the total commitment, the state reimburses 90 percent of the loss. So, I think of all the exemptions that are written in the tax laws, this one has the unique feature that the state, in increasing the exemption for the number of people that come under it, accepts a good share of the responsibility. I think probably, as has been pointed out, that the change to just valuation is what made the great distinction in this bill, that last year when they made the change to just valuation, it affected a great many people, particularly many people who had depended on that. Older people, in many cases, they were widows whose husbands had been in the service and had died and they were depending on this and all of a sudden they found that the impact on them had changed a great deal due to the change of the word "just." I think the escalation clause that they have in here, moving it slowly up from \$4,000 to \$5,000 to \$6,000 is the reasonable approach and I hope you don't accept the indefinite "Ought Not to Pass."

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In accordance to the last argument just given in favor of the bill, I was led to believe that this piece of legislation, L. D. 94, should have a fiscal note. It has none; it shows no impact on the state as far as expenditures are concerned.

I will comment that I have made a call to the Taxation Department in my local community and this piece of legislation, as you see it now without being amended, would cost my local community \$250,000 in property valuation.

I would hope that you would support the motion to indefinitely postpone.

I would ask a question to the Chair as to the fiscal note that is absent on this bill?

The SPEAKER: The gentleman from Lewiston, Mr. Biron, has posed a question to the Chair on the question of the need for a fiscal note. The Chair would advise the gentleman from Lewiston, Mr. Biron, that if he will look at Committee Amendment "A", he will find that the fiscal note has, in fact, been added to the bill and it is part of Committee Amendment "A".

The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Last fall when I was campaigning, I think this was one of the most crucial items that people discussed. I met many elderly people and many widows who had been drastically affected by the action taken up in the 107th. I hope that we can rectify that action. Maine, being a poorer state, has never been in a position to do much for the veterans and this is the only medium that they have used to assist the veterans. I hope that we will not do away with it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In commenting on the gentleman from Augusta, Mr. Hickey's statement about the State of Maine doing something for the veterans — in fact, it is the next door neighbor of the veteran that is doing something for him because it is the local property tax exemption that is given and the same amount of money being needed is, therefore, raised from other people. This is the problem that the Taxation Committee is going to try to attack.

We did have in the public hearing comments made about putting them under the Elderly Household Relief Act. Veterans were very up-

set by this. They wanted, in fact, no relief. They saw welfare, really, in the relief act and it is not. And that is another area that the Taxation Committee is taking a hard look at because then we can have veterans who have not been penalized by having gone in the service, have not been able to get a job or what have you or have not had the job that they should have had or what have you, those people with the lower income, who are veterans, would also get some help. Those people who don't need this assistance would not get it.

Many veterans have told us "Oh, yes, well I am getting around that age and I have enough money and I have a good job, so I would not apply for this aid." To me it is a little too "iffy" and it is too voluntary so we are hoping to tighten that up a little bit as we go along in the next session and the sessions after. But this is the one measure that is needed right now to give them the relief that we took away from them a little while ago.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would like to direct a question through the Chair, if I may, to the gentleman from Waterville.

I have read the amendment and I note the fiscal note that is listed on the amendment. My question is, is the General Fund, which does pay the towns back for a certain percentage over, I think it is 3 percent that they have to pay back on this, will the General Fund be impacted in this biennium?

The SPEAKER: The gentleman from Farmington, Mr. Morton, posed a question through the Chair.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker: It is our understanding from the Bureau of Taxation, that the impact is in 1980 fiscal year, and not the 1978 fiscal year. So the answer would be no, not in this biennium.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I oppose this measure and I do so with full consideration of what it means to the veterans for whom I have some association and respect. (1) To me, it is an improper way to recognize the veteran's contribution, and (2) while improved over past versions, it is relatively a poor method of taxation, and (3), it is just simply inequitable.

What it proposes, first of all to do, is to give money to veterans who own property. It makes no provision whatsoever for veterans who don't own property but who, in fact, may need this help more than those who own property. It also proposes to give exemptions to veterans with no concern whatsoever to their income status, something which I, as a veteran, object to myself.

Furthermore, it levies the punishment against the property taxpayer to a very large extent. In this particular bill, with the 3 percent proviso and the fact that the state will pick up some of it, it is ameliorated to some extent. Nevertheless, the fact remains, I think, that most of us agree that property taxes are tending to become regressive in Maine. They are tending to be very hard on our people and we all are searching for methods by which we can relieve some of the load on property tax. Yet, in this bill, we say to every property taxpayer of every municipality, "we are going to now burden you with some additional property taxes in order that you may contribute to the veterans of your community." It is true that this is only up 3 percent, but nevertheless, the principle is there. I think the move we took in the last session to change the veterans evaluation to "just" was a wise and a good step and helped improve our taxation across the state. I will grant you that it did injure some people who certainly did

not deserve to be injured. For that, I feel great sorrow. The fact remains, however, that we are faced with a decision today as to whether we are going to aggravate a presently incorrect and wrong method of taxation to provide money for people, whether they need it or not, regardless of their particular financial status and ignoring an entire class of veterans who, incidentally, are more likely to need the money than those veterans more fortunate enough to have it.

I would work hard for and support, money that recognizes veterans, whether they served in Tennessee or not. I have seen some parts of Tennessee that most certainly would deserve a bonus. But the fact remains, I would work for that kind of bonus but I would want that bonus given on the basis of need. I would want that bonus paid for by the broad tax base available to the state as a whole thing. I would not want that done, levied by this legislature, against a property tax strain on each of our towns.

I, therefore, regretfully, but sincerely, oppose the measure.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill this morning because we have a lot of veterans in my home town, who need help. They need help in property, just like one day a few weeks ago, we were debating property relief for elderly people. And consequently, these people are in that category. Unfortunately, they are not as well off as my good gentleman Mr. Quinn is. There are a lot of veterans that need help and they need support. There are a lot of widows that need it. And how a member of this legislature can get up and oppose tax relief for elderly people, regardless of who they are, is something that is beyond me. I don't need any tax relief, to be sure. But I will tell you one thing, we have a lot of elderly people that do. If we aren't going to come to their aid, how can we justify all the aid that you come to for other benefits in this House? You can't do for one without the other. I was told that on the Veterans and Retirement Committee of which I am a member. You can't support one retirement group and then let the others go.

The purpose of this bill and I see a fiscal note on it of \$810,000 in 1979. To be sure, it is going to cost money but I think that the members of this legislature owe something to the veterans and to their widows. If we don't come to the aid of these elderly people, they are going to be taxed right out of their homes, whether you want to face it or whether you don't. So what we are going to do is force them to sell their homes because they can't afford to pay the taxes. I don't know about Mr. Quinn, but I don't want to see that in this state.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I agree wholeheartedly with the thrust of Mr. Laffin's statements. I respect them and I sympathize with his position. I, too, feel that we should in no way penalize our elderly veterans or elderly of any form, whether they are veterans' dependents or not. I simply say, this is not the way to do it.

If this present bill passes, and no additional raises are given, in about 10 years, I will receive a benefit of about \$245 a year from my town in Gorham. If my wife manages to find employment at the continued rate, my income will probably be in excess of \$25,000 a year at that time. That \$240 that I will be getting every year will be coming from some of those elderly and some of those disadvantaged taxpayers in my town and I won't need the \$240. I think we should give that money to those who need it, whether they are veterans or not and I think we should design it that way and we should not piecemeal it or put together little bits of it in

the nature simply because it is an easy way, it doesn't affect our budget and we can slide by with it. I don't think it is proper.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and obviously more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have been serving in the capacity of a service officer in my community for quite a number of years. I received many calls last year from people who had never received a tax bill but due to the fair system they designed in the 107th, they call it fair, I don't, these people received tax bills anywhere from \$175 to \$200 or \$300. These are widows, these are people that are going without, and what you did was, you took bread, you took fuel, you took the sustenance of life right off their table.

What disturbs me a great deal is, we always keep saying, "we are going to do something better." But until you are ready to do something better, let us do this. And when you are ready to make a trade, I will talk trade with you. I am not going to trade what we are getting, or what we hope to get this time around, for tomorrow's promises.

The State of Maine, when they passed the sales tax, all these other taxes of the broad tax base system said, we were going to get relief from the property tax. We never got it. We still have a property tax bill. And so I say, until you have something better to give the veterans' widows and the veterans, let us give them this, and then when you have something better, which you say is fairer and more equitable, we are ready to talk trade.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: If this were a new program, I certainly would be against it. But this is not a new program. All we are doing now is trying to restore the status of the veterans to where they were a few years ago.

When the World War II veterans were discharged from the service some 30 or 35 years ago, they were told that they would have a tax exemption when they attained the age of 62. Now that the majority of the World War II veterans are approaching that age, I don't think it is fair to tell them "no, we are going to change rules of the game and we are going to take this away from you."

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the two previous gentlemen who have spoken on this. The original law of \$3,500 exemption was passed on July 9, 1943 and it was passed by a grateful citizenry who was expressing their way of saying thank you to veterans who had served for their country. But how soon we have forgotten.

Back in 1943, the cost of living index was .74. Today the cost of living index is 174.3. Now, to restore to the veterans the exemption originally given in 1943, you would in reality have to give them an exemption of \$7,000, and this is not what is called for in the bill. What is being called for in the bill is, I think, in my estimate, is a token. It is not even going to put them or give them the equal purchasing powers that they were originally granted in 1943.

Now, I too, have received many calls from citizens in my community. Serving on the Council, I suppose I get them more than some of you

here. But I have received calls from widows in very distressing conditions because when the law was changed in the 107th, it was done too abruptly. Many of these widows were suddenly hit with a tremendous tax bill that they didn't expect or anticipate, and, consequently, some of them are on the verge of losing their homes. I submit to you, that keeping a citizen in a home is much more of an advantage to the taxpayers of this state than to put them in a boarding home or a nursing home and support them through direct taxation.

I would hope that you would vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of rhetoric here this afternoon. When I was campaigning I told the veterans, that if I ever had an opportunity to do something for them, I was going to do it. Right, you have heard that before, you will hear it again, too, I assure you. But, if any of you here in this House, and maybe some of you have, but if you would have waded ashore with me on June 6th, 1944, when you look up there and you see my light is red, you will understand why.

Mr. Bustin of Augusta moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and obviously more than one third of the members present having voted for the previous question, the motion is entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A vote of the House was taken.

104 having voted in the affirmative and 9 in the negative, the main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jacques. If he was here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: I would like to pair my vote with the gentleman from Vassalboro, Mrs. Mitchell. If she was here, she would be voting yes; and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mrs. Boudreau. If she was here, she would be voting yes; and I would be voting no.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Brunswick, Ms. Bachrach, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Benoit, Biron, Davies, Garsoe, Green, Hall, Howe, Huber, Hughes, Jackson, Lewis, Raymond, Torrey.

NAY — Aloupis, Ault, Austin, Bagley, Beauhieu, Bennett, Berry, Berube, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias,

Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Post, Prescott, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Brenerman, Dutremble, Gauthier, Jalbert, LeBlanc, Littlefield, Martin, A.; Plourde, Sprowl, Stover, Talbot, Valentine.

PAIRED — Boudreau, A.; Conners, Gray, Jacques, Mitchell, Quinn.

Yes, 14; No, 119; Absent, 12; Paired, 6.  
The SPEAKER: Fourteen having voted in the affirmative and one hundred nineteen in the negative, with twelve being absent and six paired, the motion does not prevail.

On motion of Mrs. Najarian of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-747) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I will just read the Statement of Fact on the amendment. Its purpose is to provide General Fund reimbursement to municipalities for property taxes lost because of increased exemption provided in the bill.

You will notice the fiscal note on the Committee Amendment, it does say that there will be a loss of \$540,000 to \$810,000 in property taxes from veterans, but that will be paid by other property taxpayers, so it is really not a loss from the general fund. I think if we all really believe that veterans need a property tax exemption, then we ought to be willing to pay for that out of the general fund.

As far as the study coming up that Representative Carey spoke about, I have been around here too long to buy a pig in a poke. That could happen, what he wants to see come out of that, and then again it might not.

There will be no cost to the general fund in this biennium, it will begin in 1979 and 1980. I hope that you will give favorable consideration to this amendment.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would move the indefinite postponement of House Amendment "A" to Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is where I part company with the gentleman from East Millinocket. I believe that we are mandating tax changes here at the state level and that we should bite the bullet and be willing to accept the cost of these tax changes and not mandate it on the other taxpayers in the towns. Therefore, I hope you will not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: Last Friday, I suffered a brief case of what might be known as "Biron Fever" and I

am afraid it is still lingering. I jumped to my feet to oppose a bill dealing with a blind exemption to the property tax, for much the same reason that I have opposed this bill up to this point.

I concur with the gentleman from Farmington. If we accept the amendment, I can support the bill. I feel that it becomes too easy for this state legislative body to provide exemptions that a local governmental body will have to bear.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: There is only one reason for the introduction of this bill. There is only one result that can come from it. If you accept this amendment, you are going to kill the bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have to take issue with my good friend from Lincoln. As Representative Morton said, if we are going to mandate these dollars back on our other citizens in our communities, then let's bite the bullet, let's put Mrs. Najarian's amendment on it, let's fight. We have an opportunity to deal with the other body in funding this bill, but let's do it fullface. It is an easy thing to vote for a document such as is here this afternoon, but let's fund it properly. I would hope that we would support the good lady's motion and, as Mr. Morton said, I part company with Mr. Birt on this issue myself.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: As I pointed out earlier, this is one of very few tax exemptions which has been mandated at the state level. It is to some degree funded by the state.

As I remember at the hearing, I think there was another bill that came up the same day that this hearing did. That bill was to provide the funding to take care of the reimbursement to the communities. When they passed the just valuation last year, there was quite a reduction in the amount of money that the state had to raise. This increase that is involved in the passage of this particular bill will be largely funded from the state level. I don't see any reason for the bill, and this is why I made the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I concur wholeheartedly with the gentleman from Bangor. I don't think, in opposition to the gentleman from Lincoln, that this means the death of the bill. I saw the votes before. I will now vote for the bill, but I do urge you to put this amendment on it. This is responsible government. For goodness sakes, let's be fiscally responsible. It is so easy to pass this kind of thing and go home and campaign to our people; meanwhile, for those of us who are concerned with the real impact of taxes on those who are needy, and that includes more elderly who are not veterans than are by large, we are levying this tax increase on them. Let's bite the bullet, which is a good term and understood by all veterans, and let's pay for it at the state level — accept the amendment.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than

one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair. How does the present system for state reimbursement of veterans' exempt property work now?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I am not sure of the exact percentage, but I believe what it is is when the exempt property reaches a certain percentage of the total value of the town, then there is reimbursement.

I would have to differ with Representative Birt in that I don't think that the highest percentage of this particular bill will be picked up by the state or will be reimbursed by the state without Mrs. Najarian's amendment.

We did, in fact, have a bill before our committee which reimbursed communities for tax loss due to veterans' exemptions, but there were very few towns that were eligible for that because of the high increases in state valuation. I think this \$1,000 exemption will perhaps mean that a few more towns will get some reimbursement. Certainly, under present law, this tax exemption will not be reimbursed.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bennett, Birt, Blodgett, Bustin, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Connors, Cox, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Garsoe, Gillis, Goodwin, K.; Gray, Hunter, Hutchings, Immonen, Jackson, Joyce, Laffin, MacEachern, Mackel, McBreaity, Nelson, N.; Palmer, Pearson, Rideout, Sewall, Shute, Tarbell, Teague, Theriault, Truman, Valentine.

NAY — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Carey, Churchill, Clark, Connolly, Cote, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Elias, Fowle, Gill, Goodwin, H.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, Mahany, Marshall, Masterman, Maxwell, McHenry, McKean, McMahon, McPherson, Mills, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Smith, Spencer, Strout, Stubbs, Tarr, Tierney, Torrey, Tozier, Trafton, Twitchell, Tyndale, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Boudreau, A.; Dudley, Dutremble, Gauthier, Hughes, Jacques, Jalbert, LeBlanc, Littlefield, Martin, A.; Masterton, Mitchell, Plourde, Rollins, Silsby, Sprawl, Stover, Talbot.

Yes, 41; No, 91; Absent, 19.

The SPEAKER: Forty-one having voted in the affirmative and ninety-one in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the fifteenth tabled and today assigned matter:

Bill "An Act Concerning Debtor's Property Exemptions from Attachment and Bankruptcy Proceedings" (H. P. 1361) (L. D. 1677) (C. "A" H-657)

Tabled — June 17, 1977 by Mrs. Boudreau of Portland.

Pending — Passage to be Engrossed.

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On motion of Mr. Tarbell of Bangor, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-739) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" that I am presenting to the exemptions bill from attachment in bankruptcy proceedings has a filing number of (H-739) and was just distributed on our desks. This amendment would simply increase the homestead exemption from \$3,000 to \$5,000, a modest increase in one's homestead exemption. What this means is that if a person has up to \$5,000 worth of equity in his or her home, that amount, \$5,000, would be exempt in bankruptcy or from attachment in any other judicial proceeding. In other words, you could keep \$5,000 to go and buy, as a down payment, on another living quarters of some sort. The amendment simply increases that exemption from \$3,000, which is the current law, to \$5,000.

Thereupon, on motion of Mr. Pearson of Old mittue Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the sixteenth tabled and today assigned matter:

"An Act to Transfer the Eminent Domain Power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any action Relating to Eminent Domain" (H. P. 490) (L. D. 609) (C. "A" H-554)

Tabled — June 17, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday, I brought this to your attention. If you remember, the bill had been drafted incorrectly so that it gave the Penobscot Governor and Council the power of eminent domain in the entire state, and now I would like to patch that.

Thereupon, on motion of Mr. Parson of Old Town, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-727) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the seventeenth tabled and today assigned matter:

House Report — "Leave to Withdraw" — Committee on Public Utilities on Bill, "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407)

Tabled — June 17, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Ms. Clark of Freeport to Accept the "Leave to Withdraw" Report.

On motion of Mr. Kelleher of Bangor, the Bill was substituted for the Report. The Bill was read once and assigned for second reading tomorrow.

The Chair laid before the House the eighteenth tabled and today assigned matter:

Bill "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635)

Tabled — June 17, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

On motion of Mr. Greenlaw of Stonington, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the nineteenth tabled and today assigned matter:

Bill, "An Act to Revise Certain Motor Vehicle Related Laws" (H. P. 246) (L. D. 336)

Tabled — June 17, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Adoption of House Amendment "B" (H-705) to Committee Amendment "A" (H-597).

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move that we indefinitely postpone House Amendment "B" to Committee Amendment "A".

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves that House Amendment "B" to Committee Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: Before I go any further, I have another amendment which I have just given to the Clerk's Office that would replace this amendment in its entirety except for one section. That one section which I object to in this amendment is something that we have debated in this House for a couple of sessions now. It deals with motorcycle drivers' education.

In the 106th Legislature, I introduced a bill which established a program of motorcycle drivers' education. Because of the problems involved in getting one started, we put off the effective date. When we came back in the 107th, because no schools or private driver education programs had really started to implement motorcycle drivers' education, a bill was introduced because I guess there were a lot of people who couldn't get their motorcycle licenses and we did pass the effective date one more year, to this September 1, 1977. From what I understand, nothing has been done again.

During the debate last time when we were fighting about this extension, the Department of Education and people in the Secretary of State's Office and the Department of Transportation all assured me that they would work to get programs established and going so that people could have motorcycle drivers' ed.

All the law does at present is state that a person who is 16 cannot get his driver license for motorcycles, cannot take the exam and get the permit and then be able to ride a motorcycle until that person has had motorcycle drivers' education. It is basically the same thing as automobile drivers' education. I guess I am getting a little tired of having to get up and defend this every year and have this put off every year. It seems to me that perhaps, since the people who oppose this couldn't kill it, what they are doing is just put it off each year, until I decide not to run or something, and then they can kill it that year.

What I would like to do this year is to bite the bullet and say that either you do have drivers'



ed, or if you are 16 you don't get a motorcycle drivers' license. I think what this will do is still have one more year where schools can implement this. We have already passed one change in the drivers' education laws which would allow schools to offer drivers' education for a fee during the school year. I think this will help, because then they can also extend that and go right into motorcycle drivers' ed. So I would hope that you would vote to indefinitely postpone this amendment and then we can table the bill until my amendment is prepared and the rest of what is in this House Amendment can be put on the bill.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the gentleman's motion from South Berwick. I think what we are trying to do here today, he has a little pet bill, he thinks that we shouldn't be putting him off. I say that the remedy has not been corrected, that we do not have any driver ed courses for the young people to take, so let's put this off for one more year, let's give it a little more cycle time and let's see what happens. But to stand here and say that we are going to mandate this, it is just got to be done, then what is that 16-year-old going to do in his area if there is no motorcycle driver ed? Is he just going to hop on a bike and take off and say, let the police officer catch me?

I think right now we do have them complying with the law and we do not have any driver ed facilities for them, so we should not be telling them that they must have drivers' ed before they can have their license. They do have to pass a test in order to get their license. I can assure you that if I am on this committee another time around we will have to address this subject, that is all we can say about it.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Peterson of Caribou requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Brenerman, Brown, K. L.; Bunker, Bustin, Carey, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Higgins, Hobbs, Hughes, Hutchings, Jackson, Jensen, Kane, Kany, Kelleher, Kerry, Laffin, Lewis, Lizotte, Locke, MacEachern, Mackel, Mahany, McHenry, McMahan, McPherson, Mills, Moody, Nadeau, Norris, Peakes, Pearson, Perkins, Post, Quinn, Raymond, Rideout, Sewall, Silsby, Spencer, Tarr, Teague, Tierney, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Ault, Bagley, Berry, Boudreau, P.; Brown, K. C.; Burns, Carroll, Carter, F.; Connors, Cote, Cunningham, Devoe, Dexter, Drinkwater, Fenlason, Garsoe, Gillis, Gould,

Gray, Hall, Howe, Huber, Hunter, Immonen, LaPlante, Lunt, Lynch, Marshall, Masterman, Maxwell, McKean, Morton, Nelson, M.; Nelson, N.; Palmer, Pellier, Peterson, Prescott, Rollins, Shute, Smith, Strout, Stubbs, Tarbell, Theriault, Torrey, Tozier, Tyndale.

ABSENT — Aloupis, Austin, Boudreau, A.; Carrier, Churchill, Dudley, Dutremble, Gauthier, Jacques, Jalbert, Joyce, Kilcoyne, LeBlanc, Littlefield, Lougee, Martin, A.; Masterton, Mitchell, Najarian, Plourde, Sprawl, Stover, Talbot, Whittemore.

Yes, 78; No, 49; Absent, 24.

The SPEAKER: Seventy-eight having voted in the affirmative and forty-nine in the negative, with twenty-four being absent, the motion does prevail.

On motion of Mr. Goodwin of South Berwick, tabled pending adoption of Committee Amendment "A" and later today assigned.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I move that the House reconsider its action of yesterday whereby it voted to insist on its action whereby Bill "An Act Relating to Setting Determinant Sentences for Inmates Sentenced Prior to Enactment to the Maine Criminal Code," House Paper 703, L. D. 884, was passed to be engrossed as amended by Committee Amendment "A".

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker and Members of the House: I am not going to make another motion, but there really hasn't been much debate on this bill and I have some serious reservations about it and some questions. Perhaps if I could give you my reservations and questions, someone on the Education Committee could answer them and make this bill more clear to me.

I have some real problems with this bill because I am not certain it is a good bill and I am not really certain it is a bad bill. I don't believe it will solve the problem of habitual truants and school dropouts. I am speaking now as a teacher. I don't represent any local or state teachers' organization. I have taught at the fifth grade level for four years in Portland. The school at which I teach is a Title I school or a low income school. I probably know the problems of truancy as well as anyone in this House does.

I would like to tell you why I don't think passage of this legislation will solve many, if any, problems. First of all, on Page three of the bill, which is L. D. 1851 if you are interested, Section 914, habitual truant is defined. A habitual truant is defined as a child is a habitual truant if he is absent from school for five full school days or for 10 half school days within any six month period for other than an excusable absence as referred to in Section 911. I would be willing to bet that at least a third of my class would fall into this category, maybe even half. Assuming that this is true, the principal of my school would then have to follow the statute put forth on Page two. This all sounds very good, indeed, but how realistic in practice would it be for a principal to provide this information? From

first hand knowledge and many frustrating and often very emotional experiences with truant children and their parents, there are definite problems with this section. This section is on Page two, Section A. Section A, Subsection two says that the principal will turn over results of any and all physical examinations including screening for vision and hearing deficiency. First of all, how do you get the child to the doctor? Secondly, who is going to pay for this? If you teach in a low income school like I do, believe me, it is not easy.

Number three, results of any and all psychological evaluations: First of all, you are lucky if you have a psychological examining person who will examine the children. At my school, the psychological examiner shows up at the school once a week. That is for all the children in the whole school that need attention. It is a real problem. Also, it suggests that home visits be made. I don't know who is supposed to make them, whether it is the superintendent or the teacher. I don't want to sound like a martyr but after planning for four reading groups, four math groups, four spelling groups and all the rest of the groups, I really don't have a heck of a lot of time to make home visits. It is just an incredibly draining job. The time is just not there.

Number seven, written summations of any and all efforts by the school to meet the child's educational needs. I would assume that a social worker would be the one to do this. At my school, we have a social worker one, maybe two days a week and once again, for all the children in the school who have problems. Believe me, in my school, it is many children who have problems.

On Page two, Section D provides I guess after all this is done, the information is given to the school board and they are supposed to make some sort of decision as to what is to be done. If a third of my class is truant, I would hate to think of how many times the school board is going to have to meet. That is just one class in the whole school.

One last point that I would like to make is about alternative programs. I just may not understand this part and if someone can explain it, I would appreciate it. We have really one alternative program in Portland for the elementary level. That is what we call the McLellan School. At the most, it takes 12 students. These are children that really need to be there. Twelve students out of the whole City of Portland is not very many. The other alternatives I have been told are Breakwater in Spurwink. These are schools that are for children with special needs.

I believe that truancy is a symptom of a problem. Most children who are truant have not only one but many problems. The reason for these problems are many but the fact that to say that filling out forms is not going to help truants. In my judgment, what will help is more social workers, more psychologists and more teacher guidance. It takes people to help people. In my judgment, the approach must be realistic if it is going to work and not just paperwork.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that this can go by without a brief comment.

I think the gentleman has outlined the problem very clearly. The purpose of the bill is to get whatever statistical information that is possible to get without ignoring the problem for any more years than we have. There are problems that are going to require much information and assistance outside the Department of Education and the local unit. I think when we have some of this information, we are going to have to find that we are going to have to broaden the approach beyond the school system. Let's get a handle on it in the best way we can.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: If I might just, through the Chair, direct this question to the good lady from South Portland, Ms. Benoit, and ask her if she has ever considered adding good parents to that list?

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would move that we recede and concur.

This bill today is no better than it was last week. It is bad. It will lead to only a couple of things which we have no desire and no intention for the bill to do. That would lead to more permissiveness in the area of excusable absences in the state. It would, in no way, solve the problem of getting the truants back to school or to pick up the dropouts. This would be done because of the economic pressure as a result of all of this. The towns, unless they made their excusable absences a little more lenient, would find that their subsidy was reduced because, as I said last week, all you have to do is to have a youngster out of school about 13 or 14 days and you start losing your subsidy. This would have a major impact on some of our schools. I would certainly think these people from the urban areas would be very concerned about this. At least, this was their argument a little while ago in talking about the school subsidy act.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Education Committee, which reported this bill out unanimous "Ought to Pass." I just would call to your attention the fact that this document, with the amendments on it, is a compilation of three bills that were heard before the committee dealing with dropouts: one sponsored by the good gentlewoman from Auburn, Mrs. Lewis; one sponsored by a member of the other body, and one sponsored by the Representative from Vassalboro, Mrs. Mitchell.

The committee struggled for a long and hard time with the whole issue of dropouts and felt that this was the best approach that we could come up with. In the words of one of the chairmen of the committee, this is the most significant piece of legislation to come across either of the last three sessions of the state legislature in regard to the problems of truancy and dropouts.

Just to respond to some of the questions raised by the Representative from South Portland, Ms. Benoit, the definition of a habitual truant is not changed at all as it is in the current law. I think the good gentlewoman knows that and I think she threw that issue up as a smokescreen. When she talks about some of the procedures that have to be gone through in Page two of the bill, she didn't read to you Section A of number six which said "the following information shall be supplied if it is available." It doesn't automatically require it. It said "if that information is available."

In response to the argument put forth by Representative Blodgett, what he would have you believe is that if a student were not in school, that the school system should still be entitled to receive the money for that pupil. What this bill does is it encourages school systems to keep kids in school. If they can't keep them in school through the traditional educational program, it allows them to set up alternative programs to meet the needs of the kid who is about to drop out of school and would allow them to keep the money that would come to that school system if it set up an alternative program. What the Representative would have you do is allow that kid to drop out of school, just to be counted on the days when students were supposed to be counted, then be out of

school for the rest of the year and that school system could still receive the money for that pupil.

I think this is a good bill. I think there are some problems with it. I would hope that you would defeat the motion to recede and concur and then support the motion of Mr. Lynch to insist and ask for a Committee of Conference.

I am sure if the arguments proposed by the people who are opposing this bill are sincere, they can participate in that Committee of Conference and we can come out with an even better piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker said that this bill would encourage school systems to keep students in school by providing for alternative forms of education. I think that that is probably a very admirable thing in the City of Portland from whence he comes. I just think it would be awfully difficult to provide all sorts of different alternative educations in all the school systems of the state.

I would like to pose a question to the previous speaker, Mr. Connolly from Portland. That is, once you have established that a child is a habitual truant, what does this bill do? Other than providing for alternative forms of education, which I think is a dream world, what does it do to get that student back to school?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Portland, Mr. Connolly.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, it puts the onus upon the school to develop a program for that student. If it has to be an individual program that combines school, work and whatever else is needed, psychiatric help or whatever else is needed, to get that student the education he needs to keep him within the educational system, it will do that. It puts the onus upon the school system to do that.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I think, first of all, we should clear away the question of whether or not all of us would like to help habitual truants and dropouts get an education. I would be very surprised if that were not a given "of course we all do." Then I think you have to take the extra step of looking at this piece of legislation. It is 1851 and I direct your attention to Page two. What are you going back and tell the local school committee that you have arranged for them to do? On each individual case, the following procedure: The local school committee or board of directors shall call a meeting to hear the matter. There is going to be a meeting of the school committee for each and every case of truancy and each and every dropout. At least seven days in advance of that meeting, the parents or the guardian of the child shall be notified in writing of the date and time. The written notice of the meeting shall advise the child's parents or his guardian of the following: Purpose of the meeting, the amendment takes out the right to inspect the child's records, the necessity for them and the child to be present. After the school committee makes a decision on each and every one of the cases of truancy and dropout, according to House Amendment "A", if the parents don't like the decision of the board, they can appeal that decision to the Commissioner of Education. The Commissioner of Education on each single individual case of truancy and dropout will appoint a fair hearing officer to hear the appeal. I would suggest in the first place that we had better put another amendment on this to get a plural. If you think

there is going to be a single fair hearing officer to take care of every appeal from every parent to a local school board decision, think about that in terms of the problems in your own school district. Then that fair hearing officer or the officers are going to make a report to the commissioner, a recommendation to the commissioner as to the disposition. Then the commissioner, we don't have to worry about him being involved in school funding or curriculum review or anything else, he now has a new full-time job, the commissioner will review the report and the recommendation of the fair hearing officers and shall affirm, modify, or reverse the decision of the local school committee. That is a good one. The commissioner is going to reverse the decision of the local school committee on each and every one of these recommendations.

I don't think your local school board knows that they have got a little extra job coming down the line if we pass this bill. Notwithstanding that, I think that the thing I find most offensive is the clear implication that the schools in Maine are deliberately, with malice or forethought, letting these kids go in order to have a little extra school subsidy money. Now I ask you, if this has not reached the point of ridiculousness, what has? Do you really think that a local school system needs a financial incentive to keep kids in school? I don't even know if the right motion is to vote with Mr. Blodgett on recede and concur. That seems to me you have got the bill left. Then we can go through a few more sections that are even worse than the ones I read. I almost think that we ought to vote against that, vote against insist and then adhere to the motion.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: It strikes me that some of the objections to this bill which is trying to force schools to deal with truants, which after all, we hear many times how many problems we are forcing upon the schools for them to deal with. I ask the people in this House, are not truants a school problem and should not the schools be forced to deal with them? That is all this bill is trying to do.

To answer the gentleman from Augusta, yes, I do believe that schools need a financial incentive to try and deal with truants because for years and years and years they have not done it. Some of the same people that are objecting to this bill, not too many years ago, were before the Judiciary Committee. Not the people, but the organizations and the professions they represent asking to have truants incarcerated. This is their idea. Stick them in the Boy's Training Center at a cost of \$20,000 a year. That is their idea of an answer to this problem. It is not an answer to this problem. This bill is only attempting to have schools do what they should have been doing for years, which is deal with the problem of kids that can't seem to make it in school and for one reason or another choose to leave. That is all it is trying to do. I can't see why we should not insist and ask for a Committee of Conference and see if some of the problems can be worked out. If the gentleman from Augusta, Mr. Bustin finds problems in little picky details and technicalities of the bill, I suggest he offer an amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I ask all of you to do everything you can do keep this bill alive and to join in the effort for a Committee of Conference.

I am a little distressed to hear comments being made here today by what I call administrative archangels. I am a member of a school board and I am not afraid of this bill. As a matter of fact, it is long overdue.



As for the children in my city, we have medical help for our low income. We have aids. We have many ways to take care of our children. The problem is, we can't get them taken care of because we can barely get administrative support to get the job done. I call this a put up or shut up bill. That is what it is. Every single time we talk about education, you will hear somebody say to you, "look at the lousy job the schools are doing. The teachers are not doing their jobs" and they point right to the truant as part of the biggest problem. I maintain if that is the kind of mentality you want to prevail, that is the kind of arguments you want to hear every time we are talking educational funding, then put up or shut up. We have an opportunity here to do something about the dropouts and we should do it.

Every member of my committee who was present at a meeting, not too long ago, when we were discussing the things we need to do for kids in school can verify that a member of the Department of Education, although it was in jest, happened to say before us, "the federal government and the state government mandates us to educate every damn kid." I stood right up and I said "I am sorry, that is not fact. The federal government and the state government tells you damned administrators to educate every kid."

The SPEAKER: The gentlewoman. . . Mrs. BEAULIEU: I apologize, but that is a quote that can be substantiated by the members of my Education Committee.

The SPEAKER: The Chair would next suggest to the chairman of the committee that he refrain members present at the hearing. The gentlewoman may proceed.

Mrs. BEAULIEU: Mr. Speaker, I will consider myself verbally spanked.

I say to all of you to follow my lead this time. It is time we put the onus on the schools. It is time we involve parents. It is time we sought help for these kids. We keep putting it off and putting it off. Every session, there is a bill that has been introduced here about truancy. None of them have worked. We feel we have found a tool that can begin to work. We need the opportunity to do it. If you are going to kill this bill, then I hope to be around for a long time to remind every one of you that you had the opportunity to put up and shut up and you didn't do it.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch. Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply to a comment of the lady from Portland, by way of Aroostook County, has made a great contribution to the Education Committee. We try to subdue her as much as possible without reducing her effectiveness. I think she has been a most valuable member of the committee.

In regard to the bill, we are in non-concurrence with the Senate. I hope you will take action that would allow us to insist and ask for a Committee of Conference in order to get something moving after several years of being stymied from superintendents all the way down.

The SPEAKER: The Chair recognizes the gentleman from Augusta Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: To my colleague from Augusta, I say well, well, well, well! We finally enjoined, we had a lot of fun during the campaign but we finally enjoined on an issue right here on the floor of the Maine House of Representatives.

Let me say this. I will make a deal. I know we can't really make a deal but I think she has one good point. That is, perhaps I could offer an amendment to this so I think I will vote to insist and ask for a Committee of Conference and request the Speaker to put me on the committee. I promise you I will show my good faith in trying to do something "sensible" about this problem.

The SPEAKER: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the House recede and concur. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 76 in the negative, the motion did not prevail.

Thereupon, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter:

Bill "An Act to Establish Procedures to Record Judgment in Registry of Deeds to Create a Lien on Debtor's Real Estate" (H. P. 1203) (L. D. 1429) which was tabled earlier and later today assigned pending the motion of Mr. Spencer of Standish that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur on this matter which would adopt the bill pending before you today.

Last week, I explained in detail and I am fearful that I lost many of us in the legal explanation of what the bill is about and what it does. When you, as a plaintiff, go into court and you sue a defendant and you have a judge trial or a jury trial and you win your case, you get a piece of paper that says that the verdict is in favor of you, the plaintiff. You are the winner. The loser owes you "X" number of dollars. All that it is a piece of paper. It doesn't guarantee you that you will be able to get any money for it. It just says that you are entitled to it from the defendant who is now a debtor to you.

This bill, I submit to you, is a bill not to help the wealthy, not to help the big financial institutions in our state but just the converse. It is to help those that can't afford the additional attorneys fees that are incurred under the current system, the additional court costs, I think I told you last week we increased court costs for sheriff's fees in a separate bill two weeks ago. It is getting to the point where even if you win your case in court, it is a paper victory. No more, no less than that.

I have had several cases myself in the last couple of years in which I have won judgments with the assistance of my client for \$500,000, \$1,500, \$2,000.

The good gentleman from Brewer raised the point that says the attorneys take contingent fees and they never have any trouble getting their money and so there is no difficulty here whatsoever. If you win a very small and nominal case for your client and then you go and you take one-third or more of that amount of the victory from your client, there is nothing left for him. Then if you slap on that, additional attorney's fees for going into court and more court costs and more sheriff's fees, it is absolutely and utterly absurd. That is what this bill is designed to aid. That is the intent behind it.

I would hope that you would move to recede and concur on this.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late so I will be brief. The bill is not any better than it was the other day when this House accepted the "Ought Not to Pass" Report. It is simply a maneuver to do away with one step before the judge, in order to attach a person's homestead, their property, the home that they live in. Purely and simply. Now if you go before the judge and you don't have any equity or your equity doesn't come up over the exemption, why then, of course, the judge won't allow, as I understand it, the creditor to attach your homestead. It is just as simple as that.

It doesn't take a great legal mind to figure out the reasons for the bill. The reason for the bill is to save a step. The reason for the bill is to be able to get the judgment and run right to the registry and attach the property, regardless of the circumstances, of the data.

So I would hope that this House, in its wisdom, will hold fast to our position of the other day.

I request a Division.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I will reiterate what I said last week. The judgment lien that would be recorded in the Registry of Deeds does not have any effect on the homestead exemption whatsoever. We went over this in committee and I explained that to the members of the committee, I will explain it now here again, today.

Under current law, a court cannot order that any attachment be placed on the homestead exemption and this bill doesn't do that either.

I submit to you that earlier this afternoon I placed an amendment on another bill which would raise the homestead exemption from \$3,000 which is the current law, to \$5,000. Now, what is the significance of that, if that bill passes to this one? It would mean that before a judgment lien would have any practical effect whatsoever on real estate, that the owner of the real estate will have to have in excess of \$5,000 equity. In other words, he has paid off in excess of \$5,000 on the principal of the loan. There is a sufficient cushion and protective zone there and this bill would not affect anything between one dollar and \$5,000 homestead exemption under the law.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: With reference to the amendment that we just passed, which increased the size of the homestead exemption, it seems to me that Mr. Tarbell is in the position of having granted a larger car and now saying that we should provide a smaller garage.

The policy implicit in increasing the homestead exemption is that there should be a certain portion of the equity of an individual having financial problems, which is essentially free from being sold at execution, so that we don't end up putting people out of their homes.

The gentleman from Bangor is correct. That in the event of a sale, following the imposition of one of these liens, the debtor would be able to retain the first \$5,000 if the amendment that he put on this afternoon goes through and he would get that money. So that the legislature is saying that the first \$5,000 of equity that a person has in their house should be free from judicial sale, it should go back to the debtor. What will happen as a practical matter, if the bill that is currently before us passed, is that a person who gets a judgment against the debtor will be able to go to the Registry of Deeds and put a lien on that person's house, regardless of how much equity they have in it, whether they have a \$1,000, or two or three or four or more than five. Now, that will put the debtor in a position where he has to clear the title of his house to get this lien removed. As a practical matter, if that debtor wants to sell the house, in which he may have a \$1,000 or \$2,000 equity, he will have to get that lien removed. The effect of this is going to be that if it went all the way to sale, he would get back the \$5,000, if it was a judicial sale. But if he simply is moving from one house to another, in order to clear the title he is going to have to get rid of that lien, and it seems to me that the automatic imposition of that lien after judgment, without going through the disclosure proceeding, really defeats the purpose of the homestead exemption in many cases because the person who has a small equity in his house is going to be subject to a lien which really, if it

ever was pursued all the way to sale, would result in no money for the creditor. But because they have a lien on his house, they will, in effect, be tying up the property which ultimately would prove to be exempt.

So I would urge you to defeat the recede and concur motion and hold fast on our earlier actions.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I dispute the analysis by the gentleman from Standish, Rep. Spencer. A lien would only attach if you have any interest over and above the \$5,000 exemption. If your interest is \$5,000 or under and that is your equity, the lien has nothing to attach to. There is no lien, it has no effect. This is absolutely the opposite of what we all are familiar with, which is tax liens. Tax liens attached like that and they stick like glue and they must be paid off irrespective of the circumstances to the government, municipality, before the land can be conveyed. In this case, the lien does not attach, there isn't a lien, unless, the equity in the property ever increases over and above your \$5,000 exemption. Now, this judgment lien would last for five years. It is possible that when a judgment lien were recorded in your Registry of Deeds, that the person would only own \$2,000 worth of equity in the land but over the course of five years, the person could be paying off more and more and more and rise above \$5,000. At that point, when he hit \$5,000 the lien becomes effective. Until then, it has absolutely no effect whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker and Members of the House: The practical effect of having this lien on the property is that any attorney searching the title will bounce the title.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Tarbell, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Norris of Brewer requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: I hate to prolong this but I think that the gentleman from Bangor, Mr. Tarbell, explained it very well. He said with a tax lien, it goes on like that and it is on for five years. With this lien without going back to the judge, you get the lien against the debtor and then the creditors' attorney takes it to the registry and like that, he attaches the person's real estate. There is no question of what the person's equity is in the property, there is no assessment given to the financial situation of the debtor at all. Once it is proven, once the judgment is granted that the man or the woman owes the money, then the collection attorney takes that, goes to the registry, and attaches the property like that, just like the tax lien, and that is it. Then nothing can be done with the property at all, in any fashion, until that is satisfied.

And all I say, and as the gentleman from Standish says, in my opinion, God help the fellow who has bought the Farmers Home Administration house with no down payment. I feel under this and I have heard very learned attorneys argue it both ways, he could really be

dispossessed, he could end up without any home at all.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MAC EACHERN: Mr. Speaker and Members of the House: I just would like to relate an experience that happened to me a couple of years ago. A certain party owed me \$1,200. He refused to pay. I sued. It took one year, exactly, to prosecute the case. I got a judgment for \$750 by the court. It took me another year to collect that \$750. Now, I think that is a pretty sloppy system when it takes place and I think this bill will take care of it and I hope you will go along with the bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker and Members of the House: Unless the individual owns \$5,000 or more in equity in that real estate, the bill, and what the bill would do has no effect and no utility whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, I would like to pose a couple of questions through the Chair. The fact that there is a different procedure now, I am wondering, is there a concept of judgment lien in the law now, does this lien exist and has there been experience with this in Maine?

How would people know if I had a certain amount of equity in my house when I did sell it? What would be the actual mechanical process? Of course, there is no way of knowing if I sold my house and what it would be worth until I have actually completed the sale and completing the sale would have to involve not having any liens on it. I wonder if someone could explain the actual mechanical process that would be involved?

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker and Members of the House: If a person who is selling the house had less than the \$5,000 equity or \$3,000 that is in the current law and he went to sell the property in a voluntary sale, an attorney for the bank if the property was going to be mortgaged would search the title and say that there is a lien on this property and until that lien is discharged, we can't accept the title to the property and we can't lend any money on the property. At that point, the person, who currently owns the house would have to get that lien off of the property in order to be able to go through with the sale. Now technically, if he had less than \$5,000 equity or \$3,000 under the current law, he could go to court and get a judgment to that effect. Then the court could order the person who put the lien on, I believe, to remove that lien. But, as a practical matter, he would simply have to discharge the obligation using the money from his homestead and that, to me, would defeat the very purpose of this homestead exemption, which we just increased about 20 minutes ago.

Mr. Tarbell of Bangor was granted permission to speak a third time.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: There are about twelve other states in the United States that have used or gone to judgment lien procedure. Under our laws now, there are three separate procedures that can be used. One procedure, the virtues of which are extolled here today, by the opponents of this bill, would force you to go back into court and have another hearing and incur more court costs, attorney's fees, the whole bit.

However, there is another procedure, which I raised last week. That procedure requires no court hearing, no court cost, whatsoever. It is called a sheriff sale. You take your execution, after you won the case, you go to the sheriff's office with it, you say, "debtor owns, owes me so much money, he owns a piece of property in this county, will you please go seize the property

and hold a sale and give me the money that he owes me and you take the rest." Every bit of that without a court hearing.

Now, what I submit to you, is that if our court cost and the litigation congestion in our courts continues to increase at the rate and the pace that it has in the last few years, so that people such as Rep. MacEachern, can no longer execute upon paper judgments that they receive after litigating the merits of the case, you are going to see more and more sheriff's sales in this state, which is the ultimate and the most drastic remedy whatsoever. It is law in the books and there is absolutely no court hearing, no chance for the two parties to sit down and come to an informal arrangement which is possible under this bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker and Members of the House: I apologize for taking time but I am not sure that one of my questions has been answered. One of them has, I guess, and that is that the judgment lien is a new kind of a lien in this state. At least that is what I gather, since it has had experience in other states. So what its effect might be on the property I guess in Maine, at least is unclear. But the business about how much equity I have on my property is still the procedure I am not quite clear about in that if I bought a house for \$30,000 and I paid off \$4,000 of that, then obviously I guess I have \$4,000 of equity and so far that would be exempt under the new rules of \$5,000. But, if I sold that house that I originally bought for \$30,000, given the inflated value for \$35,000 or so, then it would seem to me, I would be getting much more equity back than that minimum. I would get the \$5,000 back and I would be getting more than that. So when I sold the property I would have \$5,000 plus some additional amount that I had made from the sale. I am trying to understand at what point is the lien on and at what point is the lien off and I would think it would have to be resolved before the final sale went through.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker and Members of the House: I will try to be as brief as possible. If the property is sold, the debtor would retain the first \$5,000 from the sale and then if he had debts that exceeded the rest of the value, the rest of the value would go to pay off those debts after expense of the sale and so on.

The problem that I see with this is that you only actually determine the equity once the property is sold and all of the obligations are paid off. So, I see the potential of undermining the purpose of the exemption which is to leave people with a \$5,000 value in their house. I don't think I can be more specific in responding to the question than that.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Tarbell, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Bagley, Berube, Biron, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carey, Carter, F.; Churchill, Connors, Devoe, Dexter, Dow, Durgin, Garsoe, Gill, Gillis, Gould, Gray, Green, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Lizotte, Lynch, MacEachern, Mackel, Marshall, Masterman, Masterton, McHenry, McMahon, McPherson, Moody, Morton, Palmer, Peltier, Perkins, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Tozier, Twitchell, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Blodgett, Brenerman, Burns, Bustin, Carrier, Carroll, Carter, D.; Chonko, Connolly,

Cox, Cunningham, Curran, Davies, Diamond, Drinkwater, Elias, Fenlason, Flanagan, Fowle, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jensen, Joyce, Kany, Kelleher, Kerry, Laffin, Locke, Lougee, Lunt, Mahany, McBreairty, McKean, Mills, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peterson, Post, Prescott, Quinn, Rideout, Spencer, Theriault, Tierney, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Boudreau, A.; Clark, Cote, Dudley, Dutremble, Gauthier, Higgins, Hobbs, Jacques, Jalbert, Kilcoyne, LaPlante, LeBlanc, Littlefield, Martin, A.; Maxwell, Mitchell, Plourde, Sprowl, Stover, Tablot.

Yes, 61; No, 68; Absent, 22.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-eight in the negative, with twenty-two being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I move that we reconsider our action whereby the House voted to adhere and hope you all vote against me.

A viva voce vote being taken, the motion did not prevail.

The Chair laid before the House the following matter: Bill "An Act to Prevent the Display of Adult Magazines to Minors" (H. P. 1661) (L. D. 1857) which was tabled earlier and later today assigned pending the motion of the gentleman from Anson, Mr. Burns that the House recede from passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The Chair would advise the gentleman that the motion to recede takes priority over the motion to recede and concur.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the gentleman from Limestone has an amendment that he wishes to offer and is not ready and would ask somebody to table it for him for one legislative day.

On motion of Mr. Perkins of Blue Hill, tabled pending the motion of the gentleman from Anson, Mr. Burns, that the House recede and tomorrow assigned.

The Chair laid before the House the following matter: Joint Order: H. P. 1733, directing the Joint Standing Committee on Transportation to conduct a study of the transportation problems and needs of and the alternatives to the present transportation system between the Casco Bay islands and between the Casco Bay island and the Portland City mainland which was tabled earlier and later today assigned.

On motion of Mr. Carroll of Limerick, tabled pending passage and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Election Laws Concerning Political Activity of Elections and Requirements for Absentee Ballots (H. P. 1117) (L. D. 1335) which was tabled earlier and later today assigned pending the motion of the gentlewoman from Portland, Mrs. Boudreau, that the House accept the "Ought to Pass" Report.

Whereupon, the "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-688) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Relating to Private Visitation and Rehabilitation Process at Correctional Institutions" (H. P. 698) (L. D. 880) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from So. Berwick, Mr. Goodwin, that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I can't in good conscience vote for this bill so I am going to have to ask for the Division and I would like to give you my reasons why.

This bill asks the state of Maine to authorize and encourage private visitation and to condone conjugal visits. I believe that we are providing adequate visitation based upon the existing manpower and facilities that we have now at our Maine State Prison.

At the public hearing before our committee on this bill, one lifer testified, and he was quite frank, he said that the prison, inside, was like a breathing coffin and nothing was private twenty four hours a day, day or night. He said that that was excessive punishment.

Well, Mr. Speaker, ladies and gentlemen of the House, I would like to be frank too. Prisons are for just that, punishment, by removal from society, they should not be hotels. Visitors may go into the visiting room and sit next to one another. They may touch. There are no screens as you might envision, as seen on TV and there is usually just one guard there in attendance. I do, however, agree with some of the committee members, that the visitation room is small. It is crowded but at least there is one. I question too, where within our existing facility, we are going to find suitable space to allow these conjugal visits to take place. It appears to me that if we want to do something significant then we should support an appropriation to expand the size of the visiting room and to also allow for more recreation within the walls.

As I understand it, the prison sponsors picnics, fairs, family events, suppers, and the family members are allowed to come in for extended periods of time. An inmate is eligible, when he has served one-third of his time, he is eligible for furlough, and last year, there were over 2,000 furloughs.

I feel, as a member of the State of Maine, a member of this body, that our obligation to those prisoners is to feed them, clothe them care for them medically and not to run a country club.

So I would ask for a Division.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: We debated this bill, or a similar bill, in the last session of the legislature. I put forth some arguments against it at that time.

Just briefly, I would like to give you a few of them right now. As the gentlelady just said, this is a penal institution, and part of the punishment meted out by the courts is confinement and restriction. That is one of the reasons that I oppose the bill.

Secondly by the time a person reaches the Big House, he has been through the mill. He has gone through all the courts in the state and some of them several times. They have had probationary sentences and so forth. By the time they reach the big slammer, they have done something fairly serious against the state and I don't think that we should again, in the words of the good lady, make this a country club.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and

Women of the House: I urge you to vote for the Majority Report from the committee.

A couple of points that have been brought out: (1). I think there is the manpower. The additional manpower this will take is not excessive. In fact, it probably won't take any additional people at all because of the type of setup that is envisioned on this.

First of all, I will try and explain the bill, the bill will allow private visitations with family members, with medical people, lawyers, or just friends. It does make a distinction between private visitation and conjugal visits and conjugal visits are restricted solely between husband and wife. In terms of developing the space that is necessary for these private visitations, the inmate council has stated they do have money available. This is money that the inmates have earned from selling their crafts and other things that they have made at the store and they are willing to do the work. There is a cell block space available that isn't being used now, one and possibly to the best of my recollection, two sections of the prison where this could be done.

First, I would like to state that a large percentage of all the inmates at Thomaston, and I don't have the exact figure, but I would bet that it was close to 85 or 90 percent of those inmates are going to return to society. They are going to be back into the mainstream of society in the state of Maine. They are going to be back into, hopefully, jobs, and hopefully with their family still there but just back into the community. So, I think that a prison is not just a penal institution. It is there to provide punishment, yes, but it also has to be there to provide something else, otherwise, we are going to put that person right back in there. Part of this program called rehabilitation, or whatever you want to call it, is an attempt to try to keep the individual in there sane and keep his family intact. This is one attempt to do that by trying to give that person a little bit of privacy with his friends or his family or his legal counsel. If any of you have ever been down there and taken a look at that visitation room, it is really gross, you have five or six inmates in there with their families, their kids or wives, or mothers or fathers, it is just horrendous. I just can't imagine anybody trying to keep his family intact when he is there.

The furlough system is good, and it is working pretty well but it is not enough. There are a lot of people in there for long terms. It takes quite a few years before they are eligible for furlough, and for those few years that they have been there without furlough, it would make a difference if they could at least visit privately with their wife or be able to just have a few minutes alone with some friends or their family. Not everyone in Thomaston has gone through the mill. There are some people in there that have gone there for a variety of reasons but it is their first time in the system. One of the points in regards to this is that if they have gone through this system, obviously, the system isn't working very well. If they have gone through the mill and spent time at the training center, and at Windham, and have gone through various probation periods and they get to Thomaston, I think that what it is, it is an indictment of our system that it is not working. Maybe we have to try something a little different.

This isn't opening the gates to all kinds of problems or anything. All it is saying is that within about an eight week period of time, a person that is not eligible for a furlough would be allowed a visitation and it further restricts the conjugal visits to a husband and wife.

I think it is a good bill and I think it deserves your attention and your support.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Members of

the House; I rise as the sponsor of this particular legislation and I would call your attention to the Committee Amendment and the title of the Committee Amendment, which is also the title of the bill, "An Act Relating to Private Visitation". This bill has two important aspects with it. The first is the concept of private visitation. This has already been explained to you by the chairman of the committee who supported this legislation. The visiting room at Thomaston where families, lawyers, friends of the inmates of Thomaston come to visit is not a place where people can visit privately. It is an open room, where all of the inmates who have visitors that come to see them, whether they be their wife, or their girlfriend or their friends or their lawyers, have to meet in an open room, in a corner of the room, in the middle of the room, standing up or sitting down but there is no privacy within the visiting room at Thomaston. So the first aspect of the bill deals with that concept of private visitation. It would allow the Department of Mental Health and Corrections to establish rules and regulations that would allow for private visitation between inmates, members of their families, friends and their legal advisors.

The second aspect of the bill deals with the sexual connotation, what is referred to as conjugal visits. And it says, "that the department may establish rules and regulations to allow conjugal visits for those inmates who are married and married only." That is the significant part of this amendment. The original bill, and the bill that was adopted in the last session of the legislature, and was ultimately vetoed by the Governor, and that veto was upheld by the legislature, would have allowed conjugal visits for all inmates who were eligible to participate in the program, not just with their wives, but if an inmate was not married, with his girlfriend, etc.

I want to at this time just say that I respect all the members of the committee who delved, I think, long hours and gave me a lot of time and the people working with this legislation a lot of time to present our arguments and our case before them, came out with what I consider to be a very fair compromise. As far as the conjugal aspects of this legislation are concerned, it limits it strictly to those inmates who are not participating in the furlough program and who are married and only those who are married. I think the important thing to remember is that this would be one way to try to keep families together. When we put people in prison, not only is the inmate, the person that is put in prison, the one who suffers punishment, but his family suffers punishment too. People who go to prison often result in a divorce between themselves and their wives and it is the feeling of myself and the people who want to see this legislation pass, that this would encourage families to stay together. That is the principal reason for the introduction of this legislation.

I would hope that today we would keep this bill alive, that we would support the majority position of the committee.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am very concerned about the image that is conjured up when you think about inmates in prison. First of all, I distributed to you a report of Governor Curtis' Task Force on Corrections relating to the prisons and they recommended that conjugal visits and private visitations be given to prisoners, mainly to maintain the family stability and also to humanize the living environment at the prison. I don't know how many people in this body have been in the prisons or in the correctional facilities but as a journalist, several years ago, just prior to and during the Attica experience, I visited for over twenty

weeks the Maine State Prison and other correctional facilities in the state and my overall impression was that, we treat everybody in all of our institutions, as non human beings. I am talking about the mentally retarded, I am talking about the mentally ill and I am talking about people incarcerated in correctional facilities. This is a philosophy that has developed in this country since the late seventeen and eighteen hundreds. The way you treat a criminal is to punish him even more, O.K. but the only problem is, if that worked, I surmise most of us could say, yes, let us continue doing that, but throughout the years, and particularly right up to the present day, we have about an 85 percent recidivism rate, people returning to prisons for crimes. The main reason being, if you have been there, it doesn't mean just the murder, it doesn't mean just the rapist or the people who have committed the violent crimes, it means the person who is picked up for drugs or passing bad checks or stealing or something of this nature and in every case, no matter what, there is a family tie outside the prison. Now that gentleman or that woman going to a prison is going to return and be on the streets. When they do return to the streets they are going to look at you, and me, our children, our families, our friends, as someone who is hostile to them because they have no connection with the person on the streets. They adapt to an institutional environment that tells them they are animals. So, yes, they believe, yes, we are animals. They treat us like animals, we are looked upon as animals, then let's be animals. So when they get out and they see you, that is just how they are going to treat you.

Now, for my money, and that is our money spending to rehabilitate these people, we are not rehabilitating anybody in prison and if you think you are, it is way off the mark. I sat and had lunch in the prison cafeteria, the first journalist in the State of Maine to do so, and I was amazed at the dehumanizing aspect of the whole regime. I have been in the service before, I understand what takes place in terms of regimentation. But I never did experience, in such a close way, dehumanization. The fact that these people were treated as non people was the biggest and most important point of my whole series of articles which took five months. The fact that they and their families were looked upon as "they are on welfare" or "they are bad people", we have some sort of a spectator feeling of compassion for the poor children and mother. then we turn around and don't do anything for them. We just want to punish the father or the person who is the culprit, but this particular bill here is a first step in providing a natural, normal, inter-personal relationship between mother, father, child, sister, brother, uncle or aunt. If you had to meet with your family for a personal conversation, be it a problem with your child or being a problem with your mother, or your father or anything else, or a personal problem between yourself in terms with your marriage, most of the people in prison by the way, have very serious problems with their marriage, as well as economically and if you had to do it with 15 or 20 or 30 other people around you, I am sure you would never solve your problem adequately or at least you would be exacerbated by it. In fact, you couldn't have any chance to talk. I think this is exactly what is happening with this bill. This bill will do that, it will show the people in the prisons, first of all, that, yes, they have committed a crime and they have to pay for their crime by being incarcerated. But secondly, it will show the people on the outside that we mean business, that we want to put people in prisons to help them when they get out, in order not to commit the same crime again.

Two task forces made up of ministers, made up of priests, made up of people from social communities, educators, working people from

all stratas of life say "yes, this is a dehumanizing place, and the only thing to do, is to help that person have some meaningful ties with their family."

This is not a country club type of bill, mainly because prison is certainly not a country club. Neither is society for the victims of crimes. My belief is that if you do at least impress upon the prisoner through his incarceration, the judge and the juries do, adjudicate people and put them in prisons, they should have strong laws to protect society. But secondly, you have to go and follow that through you have strong rehabilitative programs that will do something to the inside of a person. We spend all kinds of money correcting the protective measures in the prisons, the laundry, the basketball, the recreational facilities, but we do nothing to maintain the inner fiber of the person. I think this bill is going to help the inner fiber of not only the person that is in prison, but the people who need it on the outside, the family, and all of those who are the victims of their crimes when they return, if they don't come back with the right attitude.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Members of the House: I just simply want to say that I agree with the last speaker, what we have been doing has not worked, let us try something else and see if it will work.

The SPEAKER: The Chair recognizes the gentleman from West rook, Mr. Laffin

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The speakers that have been up here today to support passage of this legislation, are the same people who wouldn't turn an eye to help the victims of crime. They vote against that every time but they will vote with their bleeding hearts to come across to do everything they can for those people who have committed the vicious crimes or they wouldn't be in prison in the first place. I was here in the last session when this bill, a similar one, came out that did add a few little moral parts to it this time, but they did come out with roughly the same type of bill. The very same thing. What they are saying is, do everything you can for the prisoners, give them every break in the world so that they can come back into society, and 60 percent of them go back in prison after they have been released in the first place. If you could prove to me that all you people that are up here in the legislature, that give all these "do good" things, and you "do gooders", that will prevent crime, that will keep people out of prison, that will stop a 20-year-old girl from being murdered, like they found her body yesterday, if you can come up with these kind of bills and show me that all these programs are working, then I would be the first to go with you. I would be standing up here today and I would be supporting you. But, no, you can't show me that. You can't show me all the things you do for the prisoners will keep them out of prison once they are back on the streets.

I believe in giving every person a fair chance but I certainly don't believe that the taxpayers of this state want to see a person that has molested their child, that broke into a store, that has clubbed an 80-year-old woman, be given all the privileges and the victims of crime receive absolutely nothing from this legislature. I don't believe the people of this state want that.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and gentlemen of the House: I would think that the good gentleman from Westbrook would check on how people stand before making generalized allegation about how I feel, anyway. One, I would support wholeheartedly any type of



program that would provide support, or retribution, monetary or otherwise, for the victim of a crime. I agree, by the way, Mr. Laffin, with a lot of your positions in terms of helping people in the community who have been the victims of crimes, but I totally disagree with your logic, because it isn't logic, it is totally irrational and it is not based on fact.

First of all, your system has been used for over 200 years and it has proven one thing. Right up until today, the recidivism rate in your boys training centers, your Men's Correctional Center, the Stevens School, when it was in existence, the Maine State Prison and every prison and major correctional facility in the country has been one thing, they go back. Why? Because nothing is done to do anything for the individual. This is not a do gooders program. This isn't even a program that is going to put money into their hands or do anything else. It is not going to give them golf clubs and tennis racquets, it is going to give them their children, their wives, their families. That is the problem and that is the problem with everything we do with corrections.

I have a friend who is a murderer. He was in prison for 13 years. He needed help when he was eight years old. He didn't get it when he was 13. Finally at 16, he killed someone for \$55.00 and a pack of beer. He didn't want to do it, he was crying for help for 13 years, no one gave it to him, but he went to the Boy's Training Center. My father, who was the Chief of Police, said "No, I don't want to send him." He did it for four years, tried to keep him out of prison, tried to keep him out of correctional institutions. He went, he finally did the thing he didn't want to do, he killed someone. That boy is now out of prison. He spent 17 years of his life in a correctional facility pushing out plates. He didn't belong there. He didn't belong in school. We heard people talking about truancy today. No one helped him in school. He didn't play baseball, he didn't play football, he didn't do anything. Now, no one helped him. The teachers, the correctional people, no one could have helped the boy because he was inside, and you are saying, continue the same type of thing. Now, if you want to do this type of thing, fine. I want to help the lady that was killed. I want to help all the people that are injured through crime. I think it is right. But, let's open our eyes, let's not be demagoguish, let's not try to make long speeches saying how bad the people are, and how great the prisons are for people, like country clubs. Lets take a real look at the issue. The issue is humanity. The real issue is do our programs work? No. The real issue is that children need their fathers, husbands need their wives and I think we all need a better society right now.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker; I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Members of the House: I have opposed this type of legislation ever since I came to this House many years ago and the reason is very simple. Maybe rehabilitation doesn't help and maybe it isn't a deterrent either but it also does not bring the people that are dead, that got killed by these people, it doesn't bring back the ones that got maimed by these people, it doesn't bring them back to their original condition. I submit to you that probably I am one of the people in this House that has had experience, a close experience, a bad experience with some of this type of people. It only bothers me to see them choose this way of life. I base my opinion on this type of people strictly on self-discipline. You don't have to have this recidivism number if you don't want to. If you don't want to go back

to prison, there is no reason to. The world is open, it is the same for them as it is for us. The only difference is that we try to obey the law and they don't. This is the way of life that they choose. I submit to you, that if rehabilitation doesn't work, what are you going to present them? Conjugal visiting is only going to bring you more trouble. From that viewpoint, all I can see is, who is going to pay for this welfare roll, it is going to increase the welfare roll. These people are human beings and the ultimate will come out of this. I submit to you, ladies and gentlemen, that this is not the best bill that there is around here. I submit to you, morally, that this is wrong. For some reason or other you always reward people for doing wrong, I also suggest to you that all the inmates that are in there, I had the occasion a while back of working for the pardon of one of the inmates over there that comes from our town of Westbrook, we do have some people that go astray sometimes, but this young fellow did come out three or four years ago and he is doing very well. That is because he wants to do well. He wants to have his parents be proud of him again. He made a mistake and he paid his price and now he is back into society. If he chooses to do anything wrong or if he chooses to go back to the State Prison, it is open for him and if he chooses that, it is his choice and not mine. I submit to you, that I will never promote this type of legislation and never will. Not many years ago, we had people come in front of our committee, I was in Judiciary then, and speak in favor of this. Where are they today? Today some of them are in the ten most wanted list in the world, the FBI list. I hate to admit, you know, I know the fellow well, I imagine he has good potential, and I think that he had some ability. But I submit to you that there are a lot of people in charge of the prisons, they forget that a prison is a prison and they don't believe in the old adage and what they teach you in law school, that the main thing for having prisons is to punish, deter and rehabilitate. In the first place you have to punish them, try to give them some programs to deter them. But the type of program offered in this bill does not, in my opinion, meet the standards of good judgment. I submit to you that this bill is a camouflage bill. We say, well we amended it, now it is only between husband and wife, this is true. But look at the intent of the bill when it was first presented. People don't change their minds that fast. They believe in this stuff, they are associated with this type of people, and I say to you, ladies and gentlemen, that I hope that none of you or any member of your family, ever get close and be the victims of some of these people. As for the ones that are good in there, they will come out and they will do well, if they have any intention of staying out of there. It is a warning to all of us that if we don't do right, we will end up there. But I don't want to end up there, so I try to do right. I submit to you that all this 'going back to prison' and everything else of course, they are in bad company, and I mean, what are you going to do? There are a lot that have been in prison, came out and became good citizens. I submit to you that you have to take it and take it very seriously, because when you allow this type of conjugal visiting you are asking for trouble. If they had asked to expand the visitation hours or improving the visiting room, I probably could digest some of that. But this particular type of visiting will bring nothing else but welfare rolls, welfare rolls will go up, and I believe, morally, it is wrong.

I hope that you will support the motion to indefinitely postpone.

Mr. Burns of Anson requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those

desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: Again, speaking as a Representative from District 30, as an individual, I support this bill, and I support it for what I consider to be common sense reasons, dollar and cents reasons and reasons of proper management. I have seen prisons in foreign countries, I have seen it in the far eastern countries and I have seen some in European countries. I have also been intimately familiar with military prisons and the handling of military prisoners for a great many years. And while I am no penologist, I am no bleeding heart either. But I think that if a person is put in prison and is denied conjugal visits under reasonable controls, under reasonable circumstances, then you ask for trouble in your prison systems. You ask for a sharp increase in homosexual activities, you ask for disciplinary problems, which our prisons are no way anxious to have or do they need.

To me, you do something else. You punish people who had nothing to do with the crime. If I should slip at age 54 tonight and commit a crime and they commit me to Thomaston, my wife and my children, my wife will only have a few more years left and my children won't have many, and I think perhaps you wouldn't want to be punishing them also because of the failure I had made.

I realize that people should be punished. I would probably vote for the death penalty under the right circumstances and for the right crimes and I have no objection to levying punishment. If you talk about punishment, I would invite you to the prisons such as you see in Mexico and such as you see in Japan, and I want to know that those are true monkey houses. Those are true punishment, but conjugal visits are permitted. They have long recognized that it is to the benefit of their prison system that is plain, ordinary humanity, that it in no way shows that they are soft on their people, it in no way takes away the tough guy or the disciplinary image. It makes for better prison life. It does offer some help for those people who can be rehabilitated. It does reduce the incidence of prison discipline problems and it keeps from punishing those who are innocent.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and gentlemen of the House: In answer to the gentleman from Gorham, yes, we probably would save some money. I would suggest that we could probably eliminate the Department of Mental Health and Corrections and put everything under the Department of Parks and Recreation.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mrs. Gill.

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those persons who signed this bill out "ought to pass" and I was one of the ones that Mr. Connolly spoke about that had a hard time buying the original bill.

Not many of you know me here, but I really am a square. It is very difficult for me to allow friends to visit in prison and have private visitations. They reworked this bill. Really, I think I was instrumental in having them rework it. I was one of the ones because it was just very very difficult for me. But I think that everyone is entitled to a private visit. I received letters from others, brothers, sisters who requested that they would like to sit down and just have an across-the-table talk without anyone else

around the room, that they would like to sit side-by-side with the ones they really cared about, knowing that they had done wrong, knowing that they were in prison, knowing that they were punished, but they had the right to sit down there and they really couldn't express what they wanted to express with a lot of people around, with children running around, with other couples who were having difficulty. The room at the prison is not conducive to any private conversation, whether it be between mother and son, sister and brother, husband and wife.

I do go along with the conjugal aspect between a husband and wife. We reworked this bill, and they will be allowed their private visits. The other members of the family also will be allowed their time with their loved ones.

Representative Carey spoke about rehabilitation. When do we start to rehabilitate? I think this is a good step. I think now we have the opportunity to allow families that time with their loved ones. I know that everyone in this room has at one time or another wanted to sit down and talk to someone very close to them and express their innermost feelings, and these people in prison aren't allowed to do that. I think we are punishing them by keeping them incarcerated. They are there all the time. They can't leave that place. I think what we can allow them is to have that private conversation that might help them. I urge you to vote for this bill.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I spent 30 years as a police officer in the State of Massachusetts. They have a prison there with over 5,000 men in it. It is called the "Blue Boy" section. They wouldn't allow a woman, guarded by any number of men, to go through that prison, even when the Governor's Commission came there. No female was allowed to go through there because they knew she would never come out the other end. That woman would be physically torn apart. That is a matter of history and record. I am saying to you today that if we pass any such bill as we have before us here, what we are setting up in our prison is not conjugal visits or anything of that sort or any of those things. We are setting up just plain animalism and nothing else, and you will get the same results here today that they got in Connecticut and Massachusetts.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that L.D. 880 and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berube, Birt, Blodgett, Brown, K. L.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Goodwin, H.; Gould, Gray, Hickey, Hunter, Hutchings, Immonen, Joyce, Laffin, Lewis, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, McHenry, McKean, McPherson, Mills, Moody, Morton, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Whittemore.

NAY — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Boudreau, P.; Brenerman, Brown, K.C.; Bustin, Chonko, Connolly, Cox, Curran, Davies, Dow, Elias, Gill, Gillis, Goodwin, K.; Green, Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kelleher, Kerry, LaPlante, Mackel, McBreairty, McMahon, Mitchell, Nadeau, Najarian, Nelson,

M.; Norris, Peakes, Peterson, Quinn, Spencer, Tierney, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Austin, Boudreau, A.; Clark, Cote, Dudley, Dutremble, Gauthier, Higgins, Hobbins, Jacques, Jalbert, Kany, Kilcoyne, LeBlanc, Littlefield, Locke, Martin, A.; Masterton, Maxwell, Plourde, Sprowl, Stover, Talbot, Tarbell, Tyndale.

Yes, 70; No, 55; Absent, 25.

The SPEAKER: Seventy having voted in the affirmative and fifty-five in the negative, with twenty-five being absent, the motion does prevail.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, having voted on the prevailing side, I would move that we reconsider our action and I would hope that everybody would vote against me.

The SPEAKER: The gentleman from Waterville, Mr. Carey, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I would ask for a division, and I just wanted to say one more thing before this bill goes on its way. I hope you would vote to reconsider. During the debate, I ran out and got a copy of a resolve that this House passed, I am pretty sure it was unanimous, at the beginning of the session. It was a Joint Resolution concerning family policy. I want to read you a few parts of this, because if I remember correctly, it was unanimous; if not, pretty close to it, so most of you probably voted for it.

"Resolved, that we the members of the 108th Legislature pledge our efforts to initiate and support attempts to improve the health and well being of Maine families through the appropriations and statutes we pass and by strengthening and redirecting state funded services to recognize, support and reinforce the family as the first line of defense in meeting the needs of the children.

"And be it further resolved that the legislature shall adopt policies to preserve families as a primary unit for the care and nurture of children through a four-fold approach."

It goes on, and there are a few things here that I think directly affect this bill. One, preventive services in order to keep the family intact, services to support and reinforce poor parental care, services to compensate for the inequities, such as homemaker, child day care, etc., but the main theme of this was an attempt to keep the families intact, and that is what we are asking for in this bill, one more little segment that we can use, one more little statute that we can use to help keep some of the families intact so that when almost every one of these persons in these institutions leaves the institution, their family will still be there.

I think maybe a few of us ought to think back to what this resolve meant to you and some of the bills that have been coming through here, and I suggest to you that this bill is one more way to implement this type of a resolve.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am not sure if the remarks that Representative Goodwin just made are going to make anybody change their mind, I suspect that they are probably not, but I would urge you to vote for reconsideration, and if the motion to reconsider prevails, I would then ask someone to table the bill for one day and I would offer an amendment tomorrow that would delete all reference to conjugal visits so that at least we might keep the concept of private visitation that would allow an inmate to visit in private with his family, with his lawyer, with his friends, but that there would be no conjugal con-

notation to this bill at all. So I would hope that you would at least support the motion to reconsider and then I would ask someone to table it and I would offer that amendment tomorrow.

The SPEAKER: The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Connolly of Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

Mr. Kelleher of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any one member. Is it the pleasure of the House that the main question be put now? All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 14 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Biron, Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carroll, Carter, F.; Chonko, Connolly, Cox, Curran, Davies, Dow, Elias, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kelleher, Kerry, LaPlante, Lynch, Mackel, McBreairty, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Peterson, Quinn, Spencer, Tarbell, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Bennett, Berry, Berube, Birt, Blodgett, Brown, K. L.; Bunker, Burns, Carey, Carrier, Carter, D.; Churchill, Connors, Cunningham, Dexter, Diamond, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Joyce, Laffin, Lewis, Lizotte, Lougee, Lunt, MacEachern, Mahany, Marshall, Masterman, McHenry, McKean, McPherson, Mills, Moody, Morton, Nelson, N.; Palmer, Peltier, Perkins, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Whittemore.

ABSENT — Austin, Boudreau, A.; Clark, Cote, Devoe, Dudley, Dutremble, Gauthier, Higgins, Hobbins, Jacques, Jalbert, Kilcoyne, LeBlanc, Littlefield, Locke, Martin, A.; Masterton, Maxwell, Norris, Plourde, Sprowl, Stover, Talbot, Tyndale.

Yes, 61; No, 65; Absent, 25.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-five in the negative, with



twenty-five being absent, the motion does not prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (L. D. 1667) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

On motion of Mr. Tierney of Lisbon Falls, retabled pending the adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct" (H. P. 113) (L. D. 143) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I move that this lie on the table for one legislative day.

Whereupon, Mrs. Tarr of Bridgton requested a vote.

The SPEAKER: All those in favor of this matter being tabled for one legislative day pending passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill, "An Act Relating to Charitable Solicitations" (H. P. 1451) (L. D. 1736) (C. "A" H-690) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mrs. Trafton of Auburn, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-740) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Mr. Biron of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-733) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, I can't find the amendment, and I was wondering if the good gentleman from Lewiston would mind explaining it?

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Actually, what this amendment does is, it guts the bill. First of all, let me call your attention to this legislation and give you my reasoning for the amendment.

As you see the bill before you prior to the amendment, Section 5002 of this bill requires registration and financial reporting of all charitable organizations in the state. Section 5003 describes what these organizations are. These organizations include boy scouts, girl scouts, Lions Clubs, Jaycees, etc., etc. If you are a nonprofit organization, under this piece of legislation you are going to be required to register and have financial reporting under this new bill.

Section 5004 of this bill calls for the registra-

tion of the principal officer 30 days prior to soliciting and he or she shall pay a \$10 fee.

Section 5005 of this bill calls for financial reporting six months after the close of the fiscal year if more than \$10,000 is raised during that year at a fee of another \$25. However, the bill has given a few exemptions. Exemptions are given to religious organizations, educational institutions and hospitals. I say to you that if we are concerned with charitable solicitation in this state and if we are to pass legislation, why exempt religious organizations, educational institutions and hospitals, because to my knowledge, and I have worked in fund raising before for various groups, hospitals, for an example, educational institutes, colleges, spend an awful lot of money with professional solicitors; yet, we are going to exempt these people under this bill as you now see it.

Section 5008 of the bill calls for records of professional solicitors to be kept for a period of three years. Well, ladies and gentlemen, I would say to you that this bill right now, the three year provision, is not needed, because under the present IRS laws, obviously they have to keep these records. So here we are asking for something else.

An annual report, under this bill, in Section 5011, annual report of the Secretary of State to this body as to the different programs that have been run throughout by charitable organizations will be passed on to us. Another report that nobody will read.

Section 5013 deals with solicitations and the estimated amount and the reporting when solicitation is done. For an example, if you should send a letter out in the mail requesting funds, you have to, at that time, under this proposed bill, tell the person you're soliciting how much money is going to be spent for administration, how much money is going to be spent for the actual charity, and I have got a little bit to say about that in the future.

Section 5015 of the bill deals with violations. Any violation of this bill is a Class D crime. Keep in mind that this legislation affects boy scouts, girl scouts, Lions, Jaycees, and under a Class D crime, if they don't live up to the rules and regulations that are set in this legislation, then they can all go to jail for one year.

Section 5016 deals with fees. As far as I am concerned, any fees that would be turned under this simply sets up another bureaucracy.

Ladies and gentlemen, each year there is an estimated \$27 billion donated to charitable organizations in the United States. Another \$27 billion is donated in time by volunteers, therefore bringing the total to approximately \$54 billion per year. In comparison, this is as much money as the total gross national product of Sweden.

In my opinion, legislators and the news media have not done their homework before recommending legislation which deals with charitable solicitation. Most legislation has been passed because of the focus on recent charity fraud. Some consideration must be given to the fact that charities are responsible for 6 percent of the gross national product of this country, and they employ up to 4.6 million people. Consequently, the impact of these laws on the lives of millions of volunteers, employees and beneficiaries has not been studied. For example, this bill incorporates a percentage limitation for fund raising and administrative expense. While this sounds good on the surface, thoughtful examination of this idea must lead to the conclusion that it cannot be applied uniformly.

The percentage spent for fund raising and administration is not a characteristic of the most significant charities. Brand new charities, like brand new businesses, can operate at a loss initially. This does not mean that the charity is bad — giving you an example. In the State of Maine, let's say there is no heart fund and a

group of people decide to establish a heart fund in this state. Under this present law, they will be required, when making solicitation, to tell the person that they are soliciting exactly what percentage of dollars are going to be spent in administration. When a new organization is formed, the administrative costs are very very high because their responsibility is to set up some sort of a system where money is to be donated and then turned back to the communities. For example, I have seen in a case hospitals where they have gone in and they have set up a 10-year program, and in the first year when the money was raised, basically, none of it went to the hospitals, it went to set up the programs which in the long run built that wing in the hospital.

Under this proposed bill, what would have to happen is that when you solicit the person, you would have to tell them that the first year all the money that they give will be used for administrative costs. Would any of you in this room give money to that charity? I would say no but yet, the purpose for the charity is a good one, the purpose in what they are trying to do is good and if we limit the amount and those who are sponsors of the bill will say, well, all we are saying is that if it's less than 70 percent, we are going to have to say so. What I am saying to you is if you put a percentage in that bill, you are going to hurt those organizations who are trying to help people here in the state.

If, we, through legislation, prohibit non-profit organizations from operating in this state, the impact will be as we have seen this year, individual legislators putting in bills to give money for various groups and organizations so they may continue to provide services which are now being paid through charitable solicitations. You have seen this year. Epilepsy Foundation is an example. Here is an organization that for some reason hasn't been able to collect the monies necessary to make that organization go but yet they have come to this legislature and the majority of you have passed a bill through this House to give that group money.

If you pass this legislation today, as written, you will have more and more and more of these people coming to the legislature demanding and asking for money to provide the services that they are providing now.

Sometimes, in funding raising, like any other program, you may fail in reaching the goal. Under this proposed legislation, it says that if you solicit you need to tell the person how much money is going where. If you set a goal, for an example of a \$100,000 and you estimate that your cost to raise a \$100,000 would be \$30,000, you would not have to tell the person you are soliciting how much money is going to be spent for administration but yet, if it is more than 30 percent, you would have to, under this proposed bill. If you fail to reach your goal, if you don't raise \$100,000 and your cost is still \$30,000 you have broken the law, under this proposed bill.

I do not think it is the intent of this legislature to put Boy Scouts, Girl Scouts, and anyone else in our communities in jail for soliciting in their communities. So, therefore, I am as concerned as anyone else in this body about charitable solicitation fraud and, therefore, I have presented an amendment to this bill.

The amendment, coming to the original question, does this; if you are a professional solicitor, you need to be licensed with the State of Maine. Once you are licensed, you can operate and raise funds for various different groups. If you commit fraud, if you call people for example, on a telephone campaign and say that the monies that you donate are going to be used for a children's home and the person at the other end believes that and the fact is that it will not be used for a children's home, your license can be revoked. Therefore, you cannot

operate as a professional solicitor in this state. This is a very, very simple amendment which deals with the problem. There are a few and I say a few people who misrepresent their clients, who go out and they are fly by nights who come into the state, don't tell the truth as to where the money is going and then simply after doing that, leave the state and take those people for what ever they were worth. I am saying that if we license everyone and charge them \$100 and if they misrepresent themselves, simple action will revoke their license. Once they revoke their license, they can't operate anymore so we will get rid of those people who are hurting the other charitable organizations and that, basically, is what my bill does. It is not involved with Boy Scouts, Girl Scouts, Jaycees, Lions — I don't know how many of you in this room have worked with charitable organizations but I have and I know that it is almost impossible today to get people to volunteer. If, on top of volunteering, you are going to say to those people, you are going to have to fill out these various different forms and reports, we have a law on the books right now and they haven't done it, the law hasn't been enforced — you mean to say, that by passing one that is more comprehensive to the people who are going to enforce it, I say that they are not. What is going to happen is that in some instances, we are going to have those organizations who are trying to do good for their community hurt because of this bill that is presented before you.

My amendment, again, is a simple one. It simply says that if you are a professional solicitor, you need to be licensed. If you don't do the job you are supposed to do, your license can be revoked. How much more simple can it be? It affects everyone and I urge your support of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment. I think the hour is late, most everyone here knows exactly how they want to vote on this bill and I would ask for a Division.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, pursuant to House Rule 19, I would ask to be excused on this vote and all other votes on this bill.

The SPEAKER: The Chair will excuse the gentleman from Portland, Mr. Jensen, pursuant to House Rule 19.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 15 in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

The Chair laid before the House the following matter: Resolution Proposing an Amendment to the Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and Plantations (H. P. 1009) (L. D. 1212) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" to Committee Amendment "A".

On motion of Mr. Curran of South Portland, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter: "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1662) (L. D. 1058) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, I move that this item be tabled one legislative day.

Mr. Pearson of Old Town requested a Division.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Franklin, Mr. Conners, that this be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 51 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I will repeat some of the testimony I gave the other day on this. All that this bill does is increase the license fees to nonresidents and puts on the necessary restrictions onto the non-resident which do not apply to the resident.

The bill states also that it would get at poaching and as I said, 95 percent of the poaching is done by the resident and not the non-resident. We have a large number of people that have had to go out of the state to go to work and they look forward to a weeks vacation back here in the fall and we are making it where the ordinary working class of people can't afford to return here for a weeks hunting. Your Fish and Game Department claim that this will add a \$160,000 some odd dollars to the coffers of the Fish and Game Department. Mrs. Berube in the Performance Audit Committee and the study that they made, questioned whether they should have the amount of money that they do in reserve. According to the bill, this would add to that reserve.

I would move the indefinite postponement of this bill and all its accompanying papers and request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and obviously more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate getting up speaking this late in the day but this is one bill I have to get up on.

In this bill, I signed originally the "Ought to Pass" Report but since then, I have had a change of mind primarily due to the increase in the non-resident hunting license fee. The last raise of non-resident hunting license fees resulted in a loss of more than 22 percent decrease in non-resident hunting license sales. This pertained to better than 10,000 non-resident hunting licenses, 10,000 non-residents who did not come into Maine hunting. At \$60 a license, this is quite a load to the revenue of the Fish and Game Department. It is one that we can ill afford. This latest increase that is outlined in this bill, it will be the straw that breaks the camel's back as far as the non-resident is concerned. This bill, if passed, will tell the non-resident hunter that he is no longer welcome in the State of Maine for deer hunting and forcing him to turn to other states for his deer hunting experience. Once this happens, it will take a miracle to bring him back. This loss will not

only be felt by the Fish and Game Department but the hunting camp owners will be hurting, the motels and the small independent country grocery stores in the rural areas will be suffering a great loss. The proponents of this bill will try to convince us that those out of state hunters come into Maine buy their groceries and so forth in their home states. This is not so. To a small degree, it is true but the great majority, 75 to 80 percent of these hunters, purchase these necessities in Maine, if you call liquor a necessity. Ask your small grocery store owners, they look forward to this business.

In closing, the proponents have stated that other states are raising their license fees to non-residents. This is true but they can afford to do so as many of these states are subsidized by the General Fund and the Fish and Game Department in this state is not. If this raising the non-resident hunting fees continues we can do only one of three things, (1) raise the resident hunting and fishing fees to unacceptable price. (2) drastically reduce the services offered by the Fish and Game Department to the point where all that has been accomplished during the past 25 or 30 years will be wiped out; (3) have the state assume the funding of the Fish and Wildlife with a very large subsidy from the General Fund. It is up to you, good people and I ask you to support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I will try to make it short and sweet. For a total of \$60.50, under the present law, a non-resident hunter can hunt small game in the State of Maine. To me, that is a ridiculous price to pay to go out and hunt rabbits.

Under L. D. 1858, a small game hunter will only pay \$30.50 half the present fee to hunt small game in the state. Now, if he or she wants to return to the state to hunt our big game, then they will pay another \$30.50. This is only \$1.00 over the present amount and that \$1.00 goes to the municipalities who issue the licenses and believe me, the town clerks need it for the work that they have to do on these licenses.

This is not a lot of additional money to the out of state hunter, not when you think of the taxes, such as your property tax, excise tax, sales tax and a myriad of other taxes that the resident hunter pays along with the fees for the license and he supports the programs of the state, year round. I say, lets pass this bill to be enacted. This is a good bill.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify one thing and set the House straight, that a small game license is \$30.50 at the present and then you' add your big game license, a deer permit is another \$30.50 and then if they want to change their minds and be able to come back into this again for a few days hunting of bear, then it costs them another \$30.50. It costs them \$30.50 for the small game license and then \$40 and something for a combination deer and bear license so regardless of how you cut it, there is almost a \$11 increase in the non-resident license fees coming on top of a major increase a year ago.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I am afraid that it really hasn't been pointed out yet that there is no difference in the price of the small game license; this is a foot in the door. What it does now with your small game license, you can use a shot gun with nothing more than a number two shot. I am not going to get into it today but you can take a small shot, just ring your shotgun shell back one inch and you can knock down the biggest buck this side of kingdom come and you will have a

hole in him as big as your fist. This also expands your season for the bow hunters from the first Monday in October all the way through until the last Saturday in November and I don't believe if you are conservation minded that you want to do this. Support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you wouldn't support the motion to indefinite postpone this bill. I have taken almost every stride that I possibly could think of to be reasonable to afford the opponents of this bill to amend, to defend before the committee and held a number of times input for a lot of different people.

We have heard some rhetoric today that this is supposed to cure the poaching on the part of out of state hunters and that it will be a major cure and the gentleman from Franklin, Mr. Conners said, that 95 percent of the poaching in Maine is done by residents of the state, which I think is a red herring because I don't know exactly how you would ever ascertain those figures. What the bill does is that it says to an out of stater, you want to come and hunt deer in Maine, fine, we would be more than happy to have you, you pay the same fees, except for a 50 cent or a dollar increase, which goes to the town clerk, that you paid last year and you can hunt deer but that is certainly not going to be a burden on you. After they have paid that fee and they have paid for a deer hunting license, they can go out and shoot their deer but what has been happening over the years is that an out of stater comes in here, shoots his deer, then continues to hunt, is stopped in the woods by a warden and the warden says, what are you doing? The guys says, I am hunting bear. He isn't really hunting bear at all, he is hunting deer and if he gets another deer, another person in his party will tag that deer and off they will go. We are saying if you want to come in here and hunt deer, fine, we are not going to charge you anymore except for the 50 cents or a dollar, if you want to hunt bear, that is something else again. You are going to have to buy a combination license which is going to cost you \$11 more. In the event that they come in here, shoot a deer on the first day and have not bought their combination deer and bear license, then they have to buy a bear license but they are given that option when they first come in. I don't think that that is unreasonable. The argument is that some of these people, our native sons, won't come back to hunt. Those people who have come back to hunt in Maine have, many of them, left the state to go get higher wages in Pratt-Whitney in Connecticut or some other place and they can afford to pay \$11. Those of us who have stayed here and toughed it out, with one with another in this state, are going to be able to buy a license the way we always have but the out of stater that leaves, comes back and wants the fruits of being a Maine resident, when he isn't a Maine resident, are going to have to pay \$11. That is not a lot of money.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would like to pair my vote with the gentleman from Sebec, Mrs. Locke. If she was here, she would be voting no and I would be voting yes.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Franklin, Mr. Conners, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloups, Ault, Bagley, Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carter, F.; Churchill, Conners, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Lizotte,

Lougee, Mackel, Masterman, McBreairty, McPherson, Mills, Palmer, Peltier, Perkins, Peterson, Rideout, Sewall, Shute, Silsby, Smith, Torrey, Trafton, Twitchell.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brenerman, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowlie, Goodwin, H.; Greenlaw, Hall, Henderson, Hickey, Howe, Huber, Hughes, Jensen, Joyce, Kany, Laffin, LaPlante, Lunt, Lynch, Mahany, McHenry, McKean, McMahan, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Post, Prescott, Quinn, Raymond, Rollins, Spencer, Strout, Stubbs, Teague, Theriault, Tierney, Tozier, Truman, Valentine, Wilfong, Wood, Wyman.

ABSENT — Austin, Birt, Boudreau, A.; Clark, Cote, Devoe, Dudley, Dumreble, Gauthier, Goodwin, K.; Green, Higgins, Hobbins, Jacques, Jalbert, Kelleher, Kerry, Kilcoyne, LeBlanc, Littlefield, MacEachern, Marshall, Martin, A.; Masterton, Maxwell, Plourde, Sprowl, Stover, Talbot, Tarbell, Tynedale, Whittemore.

PAIRED — Locke, Tarr.

Yes, 42; No, 74; Absent, 32; Paired, 2.

The SPEAKER: Forty-two having voted in the affirmative and seventy-four in the negative with thirty-two being absent and two paired, the motion did not prevail.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 418) (L. D. 530) Bill "An Act to Create a Board of Registration of Substance Abuse Counselors" — Committee on State Government reporting "Ought to Pass; as amended by Committee Amendment "A" (H-732)

(H. P. 307) (L. D. 362) Bill "An Act Exempting Certain Uses of Gas and Electricity from Taxation under the Sales and Use Tax Law" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-737)

(H. P. 1310) (L. D. 1634) Bill "An Act to Prohibit the Practice of a Mandatory Retirement Age" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-736)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 21, under listing of Second Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1704) (L. D. 1879) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company (C "A" H-706)

(H. P. 1031) (L. D. 1278) Bill "An Act to Establish a Licensing Fee for Bow and Arrow Hunting and Fishing" (C "A" H-704)

No objections having been noted at the end of the Second Day the House Papers were passed to be engrossed as amended and sent up for concurrence.

#### Tabled and Assigned

(H. P. 416) (L. D. 523) Bill "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed;" (C "A" H-703)

On the objection of Mr. Goodwin of South

Berwick, was removed from the Consent Calendar.

On motion of Mr. Goodwin of So. Berwick, tabled pending acceptance of the Committee Report and tomorrow assigned.

#### Tabled and Assigned

(H. P. 1453) (L. D. 1693) Bill "An Act to Establish Long-term Foster Care" (C "A" H-697)

On objection of Mr. Goodwin of South Berwick, was removed from the Consent Calendar, Second Day.

On motion of Mr. Goodwin, of South Berwick, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H. P. 218) (L. D. 282) Bill "An Act Concerning Transient Sales of Consumer Merchandise" (C "A" H-710)

(H. P. 1408) (L. D. 1678) Bill "An Act Concerning the Farm and Open Space Tax Law" (C (A) H-711)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 21, under listing of Second Day.

(H. P. 910) (L. D. 1158) Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families" (C "A" H-712)

On the objection of Mr. Garsoe of Cumberland, was removed from the Consent Calendar, Second Day.

Whereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (H-712) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1277) (L. D. 1508) Bill "An Act Creating Job Security for Deputy Sheriffs" (C "A" H-713)

On the objection of Mr. Henderson of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-713) was read by the Clerk. On motion of Mr. Henderson of Bangor, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

(H. P. 1122) (L. D. 1340) Bill "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol" (C "A" H-719)

No objection being noted, was passed to be engrossed and sent up for concurrence.

(H. P. 1273) (L. D. 1501) RESOLVE, to Authorize a Study of the Judicial Pension System of the State of Maine (C "A" H-716)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Resolve read once. Committee Amendment "A" (H-716) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

(H. P. 148) (L. D. 178) Bill "An Act Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections' Institutions and the Baxter School for the Deaf" (C "A" H-721)

No objection being noted, was passed to be engrossed and sent up for concurrence.

(H. P. 913) (L. D. 1119) Bill "An Act to Eliminate Tax on Marine Worms and Replace it With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities" (C "A" H-726)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-726) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act to Establish the Maine Nonprofit Corporation Act" (S. P. 547) (L. D. 1885)

Bill "An Act Relating to Campaign Reports and Finances" (H. P. 1739) (L. D. 1888)

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 1267) (L. D. 1494)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

#### Amended Bill Tabled and Assigned

Bill "An Act Relating to the Licensure of Plumbers" (S. P. 256) (L. D. 813) (C. "A" S-258; S. "A" S-273)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Goodwin of South Berwick, tabled pending passage to be engrossed as amended in concurrence and tomorrow assigned.)

#### Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227) (S. "A" S-274)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Curran of South Portland, tabled pending passage to be engrossed as amended in concurrence and tomorrow assigned.)

Bill "An Act to Provide for the Posting of Certain Common Dental Fees" (H. P. 1269) (L. D. 1497) (C. "A" H-686).

Bill "An Act to Provide for Tourism Promotion and Information Services" (H. P. 740) (L. D. 945) (C. "A" H-671)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent to the Senate.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

The following Communications:

THE SENATE OF MAINE  
AUGUSTA

June 20, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today Adhered to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act Prohibiting a Utility from Automatically Passing on Fuel Cost Increases by a Fuel Adjustment Clause" (H. P. 1090) (L. D. 1314).

Respectfully,  
(Signed) MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order: (S. P. 562)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act Establishing the Maine Small Business Loan Authority." (H. P. 1004) (L. D. 1244)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of State Government" (S. P. 501) (L. D. 1787)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to Relocating the Maine Turnpike Authority Toll Booth from Augusta to Gardiner" (S. P. 418) (L. D. 1459)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Provide for the Use of Commuter Passes on the Maine Turnpike" (S. P. 372) (L. D. 1222)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Relating to the Powers of the Maine Seed Potato Board (Emergency) (S. P. 498) (L. D. 1782)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Improve Recruiting and Retention of Technical and Professional Classified Service Employees" (S. P. 349) (L. D. 1177)

Came from the Senate with the Reports read and accepted

In the House, the Reports were read and accepted in concurrence.

#### Ought to be Adopted

Committee on State Government reporting "Ought to be Adopted" as amended by Committee Amendment "A" (S-284) on Joint Resolution Accepting the Capitol Planning Commission Report and Indicating a Willingness to Utilize the Capitol Complex Plan and Public Improvement Proposals as a Guide for All Future Legislation Pertaining to the Capitol Complex (S. P. 62)

Came from the Senate with the Report read and accepted and the Joint Resolution read and adopted as amended by Committee Amendment "A" (S-284)

In the House, the Report was read and accepted in concurrence and Committee Amendment "A" (S-284) was read by the Clerk and adopted and the Resolution adopted in concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Providing the Governor with the Authority to Reorganize a Department or Agency of State Government;" (S. P. 500) (L. D. 1786)

Report was signed by the following members:

Messrs. MARTIN of Aroostook  
COLLINS of Aroostook

— of the Senate.

Messrs. CHURCHILL of Orland  
STUBBS of Hallowell  
VALENTINE of York  
DIAMOND of Windham  
SILSBY of Ellsworth

Mrs. KANY of Waterville  
messrs. LOCKE of Sebec

MASTERTON of Cape Elizabeth  
Ms. BACHRACH of Brunswick

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-277) on same Bill.

Report was signed by the following members:

Mrs. SNOWE of Androscoggin

— of the Senate.

Mr. CURRAN of South Portland

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

On motion of Mr. Diamond of Windham, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "an Act Relating to the Salaries of Certain Officers in the Executive Department" (Emergency) (S. L. 476) (L. D. 1725)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin

— of the Senate.

Messrs. VALENTINE of York

DIAMOND of Windham

CURRAN of South Portland

STUBBS of Hallowell

CHURCHILL of Orland

Mrs. MASTERTON of Cape Elizabeth

Mrs. KANY of Waterville

Mrs. LOCKE of Sebec

Ms. BACHRACH of Brunswick

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:

Mr. COLLINS of Aroostook

— of the Senate.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

On motion of Mr. Curran of South Portland, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-255) on Bill "An Act to Require Adequate Polling Facilities in Municipalities" (S. P. 445) (L. D. 1535)

Report was signed by the following members:

Messrs. KATZ of Kennebec

DANTON of York

— of the Senate.

Messrs. BOUDREAU of Waterville

TALBOT of Portland

Mrs. MITCHELL of Vassalboro

Mrs. BOUDREAU of Portland

Messrs. BIRT of East Millinocket

TRUMAN of Biddeford

RAYMOND of Lewiston

McMAHON of Kennebunk

BUSTIN of Augusta

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Mrs. DURGIN of Kittery

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-255) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-255)

In the House: Reports were read.

On motion of Mr. Bustin of Augusta, the Majority "Ought to Pass" Report was accepted in concurrence. Committee Amendment "A" (S-255) was read by the Clerk and adopted in con-

currence and the Bill assigned for second reading tomorrow.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Concerning the Blue Sky Law" (S. P. 200) (L. D. 598)

Report was signed by the following members:

- Messrs. JACKSON of Yarmouth  
SPROWL of Hope  
KILCOYNE of Gardiner  
PEAKES of Dexter  
HOWE of South Portland  
Ms. CLARK of Freeport  
Miss ALOUPIS of Bangor  
Mrs. BOUDREAU of Portland  
Mr. WHITTEMORE of Skowhegan

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-260) on same Bill.

Report was signed by the following members:

- Messrs. FARLEY of York  
PIERCE of Kennebec

— of the Senate.

- Mr. RIDEOUT of Mapleton

abstaining.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-260) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-260)

In the House: Reports were read.

Mr. Jackson of Yarmouth moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Jackson of Yarmouth to accept the Majority Report in non-concurrence and tomorrow assigned.

**Non-Concurrent Matter**

RESOLVE, to Provide for the Development of Recommendations on Coastal Policy Issues (Emergency) (H. P. 1384) (L. D. 1664) on which the Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-626) Report of the Committee on Natural Resources was read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-626) in the House on June 17, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Natural Resources read and accepted in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to insist and ask for a Committee of Conference.

**Non-Concurrent Matter**

Bill "An Act to Establish a Bill of Rights for Mentally Retarded Persons" (H. P. 1473) (L. D. 1735) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-631) in the House on June 16, 1977.

Came from the Senate Passed to be Engrossed as Amended by Committee Amendment "A" (H-631) as Amended by Senate Amendment "A" (S-275) thereto in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to recede and concur.

**Non-Concurrent Matter**

"An Act to Allow Escape of Sublegal Lobsters from Lobster or Crab Traps" (H. P. 944) (L. D. 1139) which was Passed to be Enacted in the House on June 16, 1977 (having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-540).

Came from the Senate Passed to be Engrossed as Amended by Committee Amendment

"A" (H-540) as Amended by Senate Amendment "A" (S-281) thereto in non-concurrence. In the House: On motion of Mrs. Post of Owls Head, the House voted to adhere.

The following Communication: (S. P. 560)  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

June 17, 1977

Honorable Joseph Sewall  
President of the Senate  
and  
Honorable John L. Martin  
Speaker of the House  
Dear Joe and John:

This is to officially notify you of our nomination today of John F. Sullivan of South Harpswell to serve on the Maine Maritime Academy Board of Trustees.

In accordance with MRSA Title 39, Section 48 this nomination requires confirmation by the Joint Standing Committee on Education and by the Senate.

Thanking you in advance for your assistance in the confirmation of gubernatorial appointments.

Sincerely,

Signed: JAMES B. LONGLEY  
Governor

Came from the Senate Read and Referred to the Committee on Education.

In the House, the Communication was read and referred to the Committee on Education in concurrence.

The following Communication: (S. P. 561)  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

June 17, 1977

Honorable Joseph Sewall  
President of the Senate  
Honorable John L. Martin  
Speaker of the House  
Dear Joe & John:

This is to officially notify you of our nomination today of Ellen W. Platz of Auburn to the University of Maine, Board of Trustees.

In accordance with Title 20 Section 2251 this nomination requires confirmation by the Joint Standing Committee on Education and by the Senate.

Thanking you in advance for your assistance in the area of appointments.

Very truly yours,

Signed: JAMES B. LONGLEY  
Governor

Came from the Senate Read and Referred to the Committee on Education.

In the House, the Communication was read and referred to the Committee on Education in concurrence.

**Consent Calendar  
First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar First Day:

(S. P. 3) (L. D. 6) Bill "An Act to Provide a Mandatory Rehabilitation Program for Minors who Violate the Motor Vehicle Laws while under the Influence of Intoxicating Liquor" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-271)

(S. P. 428) (L. D. 1486) Bill "An Act to Protect the State Retirement System from the Cost of Abnormal Disability Claims" (Emergency) Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (S-269)

No objections having been noted, the above

items were ordered to appear on the Consent Calendar of June 21 under listing of Second Day.

**Passed to Be Enacted  
Bond Issue**

"An Act to Authorize a Bond Issue in the Amount of \$10,000,000 for Energy Conservation Improvements for State-owned Buildings and Public School Buildings" (H. P. 1660) (L. D. 1856)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution and a two-thirds vote of the House being necessary, a total was taken. 104 voted in favor of same and 2 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

"An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 104) (L. D. 233) (C. "A" S-222)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure  
Tabled and Assigned**

"An Act to Improve the Administration of the State's Merit System" (H. P. 239) (L. D. 398) (H. "A" H-608)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and tomorrow assigned.

**Emergency Measure**

"An Act to Define and Regulate the Operation of Mopeds" (H. P. 174) (L. D. 212) (C. "A" H-569)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, I would just like to enter something into the record. Earlier on when the committee was discussing the moped bill, one of the concerns that I had and a number of other people had was that apparently in most states there is no record keeping system specifically for mopeds. As a result, we were totally unable to get any hard statistical background as to exactly where there were accident problems or, in fact, were not accident problems with mopeds. As a result, initially the committee had voted to insert a clause into law which would require that a specific line be designated on the accident reporting form for reporting moped accidents. After speaking with the Maine State Police, they have assured us that this is not the case within the law for other types of vehicles and they would much prefer to have the law remain silent. However, they did agree to have something of this sort put into their rules and regulations and when new accident reporting forms do come out, they have agreed to put something of that sort in. I was awaiting a letter to that effect, and I hoped to be able to read it into the record to insure that for the future; however, I just wanted to make that point on the record.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in



favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

107 having voted in the affirmative and 2 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure  
Tabled and Assigned**

"An Act Increasing the State Gasoline Tax" (H. P. 1159) (L. D. 1383)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Greenlaw of Stonington, tabled pending passage to be enacted and tomorrow assigned.)

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**Finally Passed**

**Emergency Measure**

RESOLVE, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers (S. P. 262) (L. D. 822)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

106 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**Passed to Be Enacted**

"An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission" (S. P. 92) (L. D. 216) (C. "A" S-205)

"An Act Amending the Maine Automobile Insurance Cancellation Control Act." (S. P. 118) (L. D. 277) (C. "A" S-223)

"An Act Providing for the Practice of Architecture through a Corporation or a Partnership" (S. P. 137) (L. D. 378) (H. "A" H-663 to C. "A" S-219)

"An Act to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes" (S. P. 408) (L. D. 1416) (H. "A" H-605 to C. "A" S-189)

"An Act Prohibiting the Dissemination of Obscene Matter to Minors" (S. P. 533) (L. D. 1861) (H. "A" H-637)

"An Act Concerning the Powers of Plantations under Land Use Regulation and Zoning Statutes" (S. P. 546) (L. D. 1881)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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**Enactor**

**Tabled and Assigned**

"An Act to Require Certification of Nomination Petitions" (H. P. 1) (L. D. 1) (C. "A" H-586)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Bustin of Augusta, tabled pending passage to be enacted and tomorrow assigned.)

"An Act Granting Implied Powers to the Public Utilities Commission" (H. P. 295) (L. D. 352) (S. "A" S-261)

"An Act to Provide for Local Registration of all Motor Vehicles" (H. P. 847) (L. D. 1038) (C. "A" H-567)

"An Act to Provide for 4-Year Terms of Office for Representatives, Governors and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (H. P. 870) (L. D. 1063) (C. "B" H-575)

"An Act Creating the Maine Development Foundation" (H. P. 1012) (L. D. 1243) (C. "A" H-535)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed

to be enacted, signed by the Speaker and sent to the Senate.

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**Enactor**

**Tabled and Assigned**

"An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867) (H. "A" H-561; H. "B" H-656; S. "A" S-235)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and tomorrow assigned.)

"An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician" (H. P. 1628) (L. D. 1831)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

All matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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(Off Record Remarks)

On motion of Mrs. Najarian of Portland, Adjourned until nine o'clock tomorrow morning.